

EXHIBIT N

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 WILLIAMS ,

PLAINTIFF ,

5
6 - against -

Case No. :
17CV06779

7
8 UNITED STATES OF AMERICA ET AL ,

9 DEFENDANTS .

10
11 DATE: July 7, 2020

12 TIME: 10:00 A.M.

13
14
15 TELEPHONIC DEPOSITION of the
16 Defendant, UNITED STATES OF AMERICA BY THE
17 WITNESS PATRICK DELANEY, taken by the
18 Plaintiff, pursuant to a Notice and to the
19 Federal Rules of Civil Procedure, held at
20 525 Hicksville Road, Far Rockaway, New York
21 11691, before Ephraim Jacobson, a Notary
22 Public of the State of New York.
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

THE LAW OFFICE OF ANDREW LAUFER, PLLC

Attorneys for the Plaintiff

264 West 40th Street #604

New York, New York 10018

BY: ANDREW LAUFER, ESQ.

UNITED STATES ATTORNEY FOR THE

SOUTHERN DISTRICT OF NEW YORK

Attorneys for the Defendants

UNITED STATES OF AMERICA ET AL

86 Chambers Street, 3rd Floor

New York, New York 10007

BY: LUCAS ISSACHAROFF, ESQ.

* * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, thirty days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 P. DELANEY

2 P A T R I C K D E L A N E Y, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. LAUFER:

8 Q. Please state your name for the
9 record.

10 A. Patrick Delaney.

11 Q. What is your address?

12 A. 80 29th Street, Brooklyn, New
13 York 11232.

14 MR. LAUFER: Between counsel,
15 we just had a conversation that
16 Lt. Delaney's video feed is not
17 working. Counsel for defendant
18 United States has represented to me,
19 and I feel his representations are
20 satisfactory, that this is in fact
21 the witness that we were seeking to
22 depose.

23 He also stated that we will
24 be -- they will be providing a copy
25 of his BOP identification, and I'm

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P. DELANEY

willing on this one occasion to
proceed with the deposition. In the
future I would prefer a live video
feed, but for this particular one I
find it satisfactory century.

Lucas, I don't know if you want
to add anything to that?

MR. ISSACHAROFF: I agree with
that and I so stipulate that the
witness is in fact Patrick Delaney.

Q. Good morning, Lt. Delaney.

A. Yes.

Q. Are you still Lieutenant?

A. No.

Q. What rank are you?

A. Currently right now I'm called
disciplinary hearing officer.

Q. Is that a DHO?

A. It's a promotion. It would be
a rank of almost a captain.

Q. When did you obtain that rank?

A. Well, I became a captain in
2016, March of 2016, and then in July of
2019 I was promoted to the rank of a

1 P. DELANEY

2 disciplinary hearing officer or what they
3 would consider administrative judge.

4 Q. Well, congratulations on that.
5 How should I address you? DHO Delaney; is
6 that okay?

7 A. That's fine.

8 Q. Good morning, DHO Delaney. My
9 name is Andrew Laufer. I'm an attorney. I
10 represent the plaintiff in a lawsuit which
11 we believe you are -- you may have some
12 pertinent information as a witness
13 regarding.

14 Please wait for me to ask my
15 question first before you begin your
16 response, as the court reporter can't take
17 any -- may have a problem taking us down at
18 the same time. Obviously, we don't have
19 any video feed, so I'm not really worried
20 about gestures.

21 Please make sure that you
22 respond to all my questions in verbal form,
23 no "uh-huh" or anything like that. It's
24 got to be yes, no or if you need to expand
25 on an answer, that's fine. If at any time

1 P. DELANEY

2 you're confused or you need clarification
3 of any of the questions I'm asking, please
4 let me know that.

5 Do you have any questions
6 before we begin?

7 A. No, I don't.

8 Q. Have you ever been deposed
9 before, like what we're --

10 A. No.

11 Q. Have you?

12 A. No, I have not.

13 Q. Did you review any
14 documentation in preparation for this
15 deposition today?

16 A. Yes.

17 Q. What documentation did you
18 review?

19 A. Only my memorandum that I
20 submitted.

21 Q. Was that the 583?

22 A. No, it was the memorandum I
23 submitted to the captain on the incident of
24 that day.

25 Q. Was that Capt. Word?

1 P. DELANEY

2 A. Correct, sir.

3 MR. ISSACHAROFF: This is -- I
4 will represent that this is the
5 document -- the page Bates stamped
6 US_00394.

7 Q. That's within the exhibits that
8 I'm going ask you about today. Let's start
9 with preliminary question, DHO Delaney.
10 When were you first hired by BOP?

11 A. I was hired July of 2001.

12 Q. You've been working for BOP for
13 approximately nineteen years?

14 A. Yes, sir.

15 Q. Did you enter the academy back
16 at that time, July in2001?

17 A. No, I entered the academy --
18 9/11 happened, and I went to the academy
19 after 9/11. So when I entered the academy
20 it was October of 2001.

21 Q. Where did you attend the
22 academy?

23 A. At Glynco in Georgia.

24 Q. Could you give me a description
25 briefly of what you learned in the academy?

1 P. DELANEY

2 A. It was basic correctional
3 techniques.

4 Q. Did that include giving first
5 aid to prisoners?

6 A. Yes.

7 Q. Can you describe for me the
8 training you received with regard to that?

9 A. Basic first aid and CPR and
10 then continuation of CPR every two years at
11 the institution.

12 Q. Recertification, right?

13 A. Recertification; yes, sir.

14 Q. Did that include dealing with
15 prisoners that have possibly gone into
16 cardiac arrest?

17 A. Yes.

18 Q. How about drug overdoses?

19 A. Just basic first aid prior to,
20 because I want to say that we didn't get
21 into drug overdoses and administering
22 Narcan and all that stuff until 2017, 2018.

23 Q. How about dealing with
24 overdoses of K2?

25 A. Basic information, basic first

1 P. DELANEY

2 aid. Just to keep the airway open, monitor
3 the patient until EMS arrived or medical
4 arrived.

5 Q. What's your highest level of
6 education?

7 A. High school.

8 Q. When did you obtain the high
9 school diploma?

10 A. 1990.

11 Q. Prior to being hired by BOP,
12 did you have any experience in law
13 enforcement?

14 A. Prior to the BOP, no.

15 Q. I'm not going to get so
16 specific about your employment history.
17 But prior to being hired by BOP, in general
18 from the time you graduated high school
19 until when you were hired back in July of
20 2001 by BOP, what was your employment
21 history like?

22 A. Various security jobs. I
23 worked for multiple security companies and
24 also worked for Columbia Presbyterian
25 Hospital in New York City, where I was I

1 P. DELANEY

2 security prevention officer and loss
3 prevention officer from 1990 to 2000 -- no,
4 1996 to 2000. I'm sorry.

5 Q. I'm sorry. Which hospital was
6 that again?

7 A. Columbia Presbyterian, which is
8 now New York Presbyterian Hospital.

9 Q. What type of security jobs did
10 you have from 1990 to 1996 in general? Was
11 it loss prevention? Store-type security?
12 Anything more specific than that?

13 A. Loss prevention and also
14 security at Newark Airport.

15 Q. That was New Jersey?

16 A. New Jersey, yes.

17 Q. Did you receive any kind of
18 first aid training in that fashion while
19 you were doing that?

20 A. Basic first aid. Same thing
21 with the hospital.

22 Q. Did your employer give you this
23 type of training?

24 A. Yes.

25 Q. Did you ever have to -- from

1 P. DELANEY

2 1990 to 1996, did you ever have to utilize
3 any of your first aid training in the
4 course and scope of your work?

5 A. Basic first aid maybe for cuts
6 and bruises. That's about it.

7 Q. Nothing like if someone went
8 into cardiac arrest or you found someone
9 nonresponsive?

10 A. No.

11 Q. From 1996 to 2000, that's when
12 you were working for Columbia Pres?

13 A. Yes.

14 Q. Describe for me just basically
15 your duties and responsibilities there?

16 A. First couple years, basic
17 security, doing rounds, checking passes of
18 people entering the property and leaving
19 the property; and then toward the end of my
20 career with them I was a loss prevention
21 officer where I secured patients' valuables
22 in the hospital safe.

23 Q. During that time period, did
24 you ever have the need to deploy any of
25 your first aid skills helping anyone?

1 P. DELANEY

2 A. No, luckily, because we were in
3 a hospital. So there were always medical
4 personnel there. So if there was an
5 emergency they responded first.

6 Q. Thankfully that was the case.

7 A. Yes.

8 Q. You said you stopped working
9 for Columbia Pres in 2000, yet you were
10 just hired by BOP in July 2001. What did
11 you do between 2000, whenever you ceased
12 working for Columbia Pres, and started --
13 you were first hired by BOP?

14 A. I worked for Northeast Fire,
15 and that was a fire and safety company, and
16 we did fire extinguishers and systems and
17 also fire suppressant systems and sprinkler
18 systems.

19 Q. That was just basically a
20 selling and installation company for these
21 types of systems?

22 A. Correct. I was doing
23 installation for fire alarms and fire
24 suppressant systems.

25 Q. Let's talk about your

1 P. DELANEY

2 employment with BOP. From the time that
3 you left the academy, what was your first
4 assignment?

5 A. I worked for MDC Brooklyn. I
6 was an officer.

7 Q. While you were at MDC Brooklyn,
8 did you receive any additional training in
9 first aid, things of that nature?

10 A. Basic first aid and CPR every
11 other year for refresher training.

12 Q. How long were you at MDC for?

13 A. I was at MDC until two --
14 November of 2007, when I was promoted to
15 lieutenant at MDC.

16 Q. From the time that you -- what
17 was the time period that you left the
18 academy and that you first started work at
19 MDC? When was that?

20 A. Immediately.

21 Q. How long was your training at
22 the academy?

23 A. At the academy was three weeks.

24 Q. As soon as you were done with
25 your training at the academy they assigned

1 P. DELANEY

2 to MDC?

3 A. Correct. But I was assigned to
4 MDC prior to that. So you do on-the-job
5 training and you're physically working side
6 by side with other officers prior to going
7 to the academy.

8 Q. You were working with officers
9 initially back when you were first hired,
10 then you went to Glynco in Georgia?

11 A. Correct.

12 Q. Then you were at Glynco for
13 about three weeks, you said?

14 A. Yes.

15 Q. From July 2001 through October
16 or so, you were working at MDC?

17 A. Correct. They do basic
18 correctional techniques basically just like
19 the academy, hands on at the institution
20 for two weeks prior to starting work. So
21 they do a mini-academy at the jail and you
22 start working side by side with officers.
23 Then you go to the academy. It's basically
24 a -- it's basically to weed out people that
25 can't handle corrections.

1 P. DELANEY

2 Q. The academy is or just --

3 A. Basically, the timeframe
4 between the basic, when you first start and
5 the time you go to the academy, because
6 when you had to go to the academy first and
7 then go start work or whatever, people
8 flunked out of the academy or didn't want
9 to return back to work, because they
10 doesn't know what it was like.

11 Q. I see what you're saying. They
12 want to give you a taste first. I
13 understand.

14 Let's go forward to November of
15 2007, when you were promoted to LT.

16 A. Okay.

17 Q. When did you transfer from MDC
18 to MCC in Manhattan?

19 A. November. I reported the day
20 after Veteran's Day in November 2007.

21 Q. That was when you were
22 promoted?

23 A. Correct.

24 Q. Is that the next rank after CO?

25 A. So you start off as correction

1 P. DELANEY

2 officer, and then you go from correctional
3 officer to senior officer, then senior
4 offer to senior officer specialist. Senior
5 officer specialist, next rank is a
6 Lieutenant CS-9 junior lieutenant.

7 Q. That's what you were in 2007?

8 A. Yes.

9 Q. You proceeded normally through
10 all the ranks until you became an LT?

11 A. Yes.

12 Q. You didn't have any issues with
13 regard to being promoted?

14 A. No.

15 Q. No disciplinary issues?

16 A. No.

17 Q. Let's talk about your duties
18 and responsibility as a lieutenant junior
19 grade in 2007. Can you describe them for
20 me?

21 A. 2007?

22 Q. Yes, as an LT.

23 A. In 2007, you were working with
24 a senior lieutenant, and you work six to
25 two or two to ten. You don't work a shift

1 P. DELANEY

2 by yourself, and you -- you're basically in
3 charge of doing the rounds of the
4 institution, checking on all the officers,
5 overseeing all the movement of the inmate
6 population and going over all the security.

7 Basically, the -- I would say
8 like the security enhancements of the
9 institution. So you make sure that the
10 roof checks are done and the security
11 checks are done, and the infrared scanners
12 are done. You check the metal detectors.

13 You're basically in charge of
14 doing all the checks in the institution,
15 and then you're overseen by the operations
16 lieutenant who runs the institution.

17 Q. How long were you a lieutenant
18 junior grade?

19 A. I was a lieutenant junior grade
20 from 2000 -- November 2007 to March 2009.

21 Q. What occurred at that time?

22 A. I was promoted to a GS-11
23 lieutenant.

24 Q. That's a senior lieutenant?

25 A. Yes.

1 P. DELANEY

2 Q. Could you tell me what your
3 duties and responsibilities were as a
4 senior lieutenant?

5 A. So, senior lieutenant,
6 basically when the warden and executive
7 staff is not in the institution, they are
8 the warden. They are in charge of the
9 whole institution. They can make all the
10 decisions by themselves. They don't have
11 to pick up the phone and call anybody.
12 They notify after the fact.

13 So as the operations lieutenant
14 you're running the whole institution. Of
15 course when the warden is there and the
16 captain is there, everybody's there,
17 they're running the institution and they
18 give the guidance down to the operations
19 lieutenant who does all the security
20 aspects and the correctional aspects of the
21 institution.

22 So they're basically overseeing
23 the junior lieutenant, all the officers,
24 the security officers. The officers are
25 doing all the screening of the institution.

1 P. DELANEY

2 They're overseeing all the security
3 operations, all the movement. They're
4 signing and verifying inmates that they're
5 the correct inmates that are leaving if
6 they're being released. They're the one
7 who sign off on all the releases, too.

8 Q. Essentially, you're the third
9 man in the prison at that rank when, you
10 know, the captain and warden aren't there?

11 A. When the warden and them aren't
12 there, whenever you're in charge, and when
13 they are there, you got the warden, the AW,
14 the captain and then yourself. So you're
15 fourth in rank. I would be assistant
16 warden.

17 Q. From the time that you first
18 became a senior lieutenant through April of
19 2015, was there ever a time that you needed
20 to deploy your skills in first aid?

21 A. Yes.

22 Q. Can you describe for me the
23 times that you recall needing to do that?

24 A. I mean, most of the time I was
25 there during the day, working day hours.

1 P. DELANEY

2 So all I had to do was deploy my first aid
3 skills, or even if it was CPR, doing CPR
4 until medical staff or other staff arrived.

5 Q. How many times did you have to
6 do that?

7 A. Off the top -- I couldn't give
8 you a number off the top of my head. But
9 it was a couple of times at least prior to
10 the incident occurring on May 19.

11 Q. Prior to the incident involving
12 my client Roberto -- my client, the
13 decedent, Roberto Grant?

14 A. Yes.

15 Q. Let's talk about that a little
16 bit. How long had you been in the position
17 of lieutenant when the incident occurred
18 regarding my client, I believe it was May
19 of 2015?

20 A. So I was -- the title since
21 2007, and the senior lieutenant since 2009.

22 Q. You were senior lieutenant in
23 2009?

24 A. March of 2009.

25 Q. Approximately six years or so?

1 P. DELANEY

2 A. Yes.

3 Q. Do you remember the events
4 involving my client, Roberto Grant?

5 A. Vaguely. I --

6 Q. Go on.

7 A. After reading my memo and
8 looking at it, it started to come back to
9 me and I remembered.

10 Q. Prior to the event involving my
11 client Roberto Grant, had you ever had any
12 interactions with him before?

13 A. No, not off the top of my head.

14 Q. What do you recall about what
15 occurred with Roberto Grant on that night?

16 A. The officer called for
17 assistance over the radio, and then the
18 body alarm going off, which is an alarm
19 that's attached to our radios that
20 identifies that radio that there's a
21 problem. So then the control center made
22 an announcement that all staff -- staff
23 needs assistance, and announces what the
24 incident is.

25 So particularly on that day a

1 P. DELANEY

2 call for medical emergency up on 11 South.

3 I remember responding to that incident.

4 Q. Which officer sounded the
5 alarm?

6 A. I think off the top of my
7 head -- I mean, I don't have it in my memo.
8 I want to say that the officer that was
9 working that day was Officer Kearns.

10 Q. Any other officers that you
11 recall working that day, 11 South?

12 A. That's the other -- I draw a
13 blank when it comes to the other people
14 that responded. I know that that was -- it
15 was almost time for change of shifts,
16 because the shift for the officers change
17 at midnight. So we had officers that were
18 leaving and officers that were coming on
19 that all responded to that incident. So
20 there were several officers.

21 Q. This incident occurred, you
22 believe, during a shift change?

23 A. Prior to a shift change. It
24 was about 11:40, according to my memo.

25 Q. Are officers -- are prisoners

1 P. DELANEY

2 aware of when the shift changes occur?

3 A. They -- under observations,
4 yes, because they see when the officers are
5 changing.

6 Q. Do you find in your experience
7 up to that point that prisoners may act up
8 or engage in fighting or horseplay or
9 anything like that during times like that?

10 A. Yes, and that's why they
11 usually -- at that particular time. I
12 don't know it's like that anymore. But
13 they -- the lieutenants changed at 11:00 at
14 night, so they didn't change at the same
15 time as the officers, and there were other
16 shifts that changed over at different
17 times.

18 So there was always an overlap,
19 because inmates will do that, and
20 especially at flat jails and stuff like
21 that where they're -- they have -- they can
22 see more. Like this institution being a
23 high-rise or whatever, they can see less.
24 They only see what's on their unit.

25 Q. Could you describe for me the

1 P. DELANEY

2 11 South unit the way it was back in May of
3 2015?

4 A. It was an interesting unit. So
5 that was one of the only units in the
6 institution that was dormitory style. So
7 basically it was just like all the rest of
8 the housing units. But there were no cells
9 on the tiers.

10 So they never filled the walls
11 up or anything. It was just one big giant
12 room with a bathroom and showers -- you
13 know, bathroom and shower facilities in the
14 corner of every tier.

15 Q. How many tiers are in 11 South?

16 A. Off the top of my head there's
17 six.

18 Q. When you say "tiers," they go
19 up vertically, right? You have Tier 1,
20 Tier 2 and so on?

21 A. It's very interesting, the
22 design of MCC. So where I am now in
23 Brooklyn there's two tiers. There's a
24 lower level with like eighty inmates and
25 there's an upper level with eighty inmates,

1 P. DELANEY

2 whereas at MCC, that particular unit they
3 had the tiers. So you had three stairways,
4 and you went down like five steps to go to
5 one tier or you went up five steps to go to
6 another tier. They were on top of each
7 other.

8 Q. Right. Stacked?

9 A. Stacked. So there were three
10 separate areas and then three separate
11 areas below them with stairs, but they
12 weren't connected.

13 Q. Were they facing each other,
14 opposite sides?

15 A. Opposite sides. So there was
16 one in the center of the unit. So if you
17 walked in the unit, the main door to the
18 tier in the center of the unit, there's a
19 tier to the right and a tier to the left
20 and they're stacked.

21 Q. On each tier how many prisoners
22 are bunked?

23 A. Off the top of my head, there
24 was about twenty on each tier.

25 Q. In total you had about one

1 P. DELANEY

2 hundred --

3 A. One hundred and twenty.

4 Q. One hundred and twenty
5 prisoners in this particular housing area?

6 A. Yes, on bunk beds.

7 Q. I'm sorry?

8 A. On bunk beds.

9 Q. How far apart were the bunk
10 beds from each other?

11 A. Probably six feet apart.

12 Q. There are two prisoners on each
13 set of bunk beds?

14 A. Yes.

15 Q. What level of security do these
16 prisoners represent to prison? Are they
17 high-level security prisoners or are they
18 low-level? Mid level? Something else?

19 A. They're mixed. They're mixed,
20 because it's a pre-trial facility. So most
21 of the inmates are pre-sentence and not
22 sentenced yet. So they don't have a
23 security level assigned to them.

24 Q. You can have murderers in there
25 with drug dealers or low-level offenders --

1 P. DELANEY

2 A. Yes, or white collar. Yes,
3 they can be mixed.

4 Q. White-collar --

5 A. Because they're not sentenced.

6 Q. They're pretrial detainees?

7 A. Pretrial detainees, yes, sir.

8 Q. They're basically -- their
9 appearance are over in the federal
10 courthouse at 500 Pearl or 40 Centre or
11 whatever it -- whatever courthouse they
12 belong to?

13 A. Yes.

14 Q. Is there any kind of
15 methodology that you would follow back in
16 May 2015 of which prisoner would share
17 which bunk with which other prisoner?

18 A. No, because when it came to the
19 assignment of their locations and
20 everything, that was all done by unit team.

21 Q. Theoretically you can have a
22 murderer or someone accused of murder with
23 someone that may have committed bank fraud
24 sharing the same bunk?

25 A. Correct. Yes, sir.

1 P. DELANEY

2 Q. Prior to May of 2015, were
3 there any instances of where prisoners lost
4 their lives in that housing unit?

5 A. Prior to --

6 Q. The incident involving my
7 client.

8 A. Yes. No, not to my knowledge.

9 Q. Not that you recall or no,
10 there weren't any?

11 A. Not that I recall.

12 Q. Do you remember was there any
13 kind of drug overdose that occurred in that
14 area?

15 A. Multiple housing units had
16 possible drug overdose where inmates were
17 taken out to the local hospital.

18 Q. Do you know how these prisoners
19 get drugs in the prison?

20 A. Multiple ways. Some of the
21 stuff that's happening now and it happened
22 back then, was stuff was actually being
23 mailed in and sprayed onto paper and stuff.
24 The synthetic stuff and some of the drugs
25 would be sprayed on the paper and would

1 P. DELANEY

2 come in legal mail or a picture that was
3 drawn by a child with crayons that were
4 made with synthetic drugs or any kind of
5 drug, and then they would smoke it when
6 they arrived.

7 Q. Would you test for these types
8 of drugs? I'm assuming you would check the
9 mail, you have security provisions that you
10 would follow with regard to vetting the
11 mail before it was disbursed to prisoners?

12 A. Yes, it would be hand-checked
13 by staff.

14 Q. Would they do any kind of
15 rudimentary drug testing, anything like
16 that?

17 A. If something looked out of --
18 didn't -- looked out of synch or whatever,
19 yes, and then there were certain things
20 that ended up through the years from two
21 thousand -- 2014, 2015 started being the
22 big giant boom for synthetics. There's a
23 big difference between procedures back then
24 and procedures now.

25 Q. Drug testing for things that

1 P. DELANEY

2 were smuggled in, you know, synthetic
3 marijuana, wouldn't always occur on every
4 piece of mail that was mailed in to
5 prisoners?

6 A. Correct. It would -- they
7 would pass a basic scanning test, a
8 physical test when they looked at it. If
9 it smelled or it looked wet or if it looked
10 out of suspicious, whatever, then it was
11 tested. But if there was no suspicion or
12 anything, it went on just like any other
13 mail, and legal mail couldn't be touched
14 until it was opened up in front of the
15 inmate anyway, by law.

16 Q. Did you have any issues with
17 drug transactions occurring within 11 South
18 on or before the incident involving my
19 client?

20 A. Throughout the whole
21 institution there was issues and not
22 specifically just 11 South. But there were
23 several times on different occasions
24 throughout the years, whatever, that people
25 responded to 11 South, because it was an

1 P. DELANEY

2 over bay area, and most of the inmates were
3 always either smoking or doing some sort of
4 illicit behavior.

5 Q. Obviously, any kind of smoking
6 or illicit behavior is concerned unlawful
7 in the premises; is that correct?

8 A. Correct.

9 Q. Considered contraband, I
10 assume?

11 A. Yes.

12 Q. Was there any type of video
13 surveillance operating in the area of 11
14 South on or before the incident involving
15 my client?

16 A. I know that that particular
17 unit matched all the rest of the units with
18 the surveillance, and I want to say that
19 there was only one camera above the
20 officers station that basically looked at
21 the main -- what we call the common area,
22 the main area in front of all the cells --
23 in front of all the tiers, let me rephrase
24 that. There was no camera or video
25 surveillance on the tiers themselves.

1 P. DELANEY

2 Q. Just in the main area where
3 everyone congregates?

4 A. Correct.

5 Q. Can you describe that area for
6 me where everyone congregates?

7 A. The main area in all the
8 housing units is where all the telephones
9 are located, the officers station. The
10 computers for the inmates have access to
11 e-mails and law library, and they would
12 have a couple four-person tables that were
13 in the center area for the inmates to be
14 able to sit and watch TV.

15 Q. So now describe for me in
16 conjunction to the area you just talked
17 about where is the officers station
18 located?

19 A. Dead center of the housing
20 unit. It's dead center up against the wall
21 where the kitchen is. So when you walk
22 into that unit, the kitchen is immediately
23 to your left or the right, depending if
24 you're going on the north side or the south
25 side.

1 P. DELANEY

2 On the south side it would be
3 on your left, and then you would pass mock
4 closets and washing machine stations and
5 then you enter the main area, and the
6 housing unit is on your left-hand side on
7 that particular unit, in the middle of the
8 unit.

9 Q. Is it an enclosed area?

10 A. It's like a half -- it's like a
11 dome, and it has a door that enters on the
12 left-hand side.

13 Q. From that position, does
14 whoever's manning that station have a
15 complete 360 view of the entire tier, or
16 all the tiers?

17 A. You can look into it. But they
18 can see the entrances to the tiers, because
19 there were grills, there were bars on --
20 bar doors on the tiers. So you could sit
21 in the officers station and look into each
22 tier from your vantage point, sitting
23 there. But you wouldn't be able to look
24 very far into it because all the bunks and
25 the way that they're positioned.

1 P. DELANEY

2 Q. So all the tiers have grills or
3 bars in front of them individually?

4 A. Correct.

5 Q. In order to enter a particular
6 tier, you would need a key or an access
7 card or something?

8 A. You needed a key.

9 Q. Since there are six tiers,
10 would you need the same key or six
11 different keys for each tier?

12 A. Same key for each tier.

13 Q. How many officers are capable
14 of manning that post at any given time?

15 A. So it was two officers on
16 evening watch, and at 10:00 that officer
17 leaves, the second officer leaving the one
18 officer -- so basically once the
19 institutional count was done and completed
20 and inmates were counted and accounted for,
21 then that inmate, the staff member would
22 leave. Then it would go down to one
23 officer. So on that time on that
24 particular day, there was only one officer.

25 Q. There was one officer that's

1 P. DELANEY

2 actually inside the tier within the
3 security -- within the post there?

4 A. Inside the housing unit.

5 Q. But each tier is separated by
6 its own grill of bars; is that correct?

7 A. Correct.

8 Q. What time is lights out for the
9 prisoners?

10 A. On that particular unit and all
11 the units in MCC, there really wasn't a
12 lights out. It was just basically they got
13 counted at the 9:30 count, and once the
14 count cleared, which is usually 10:00,
15 that's when the officers left or whatever,
16 and that was the assumed lights out after
17 10:00. But they physically never shut the
18 lights off.

19 Q. Are prisoners allowed to get
20 out of their bunks and still mill around
21 their tiers after this time?

22 A. Yes. They weren't confined to
23 their beds or anything.

24 Q. There's no specific time that
25 they had to be in bed or, you know --

1 P. DELANEY

2 A. In the open -- in that
3 particular open dorm they just needed to
4 report back to their beds during count time
5 when the officer would announce it.

6 Q. After that, they could stay up
7 all night if they wanted to?

8 A. Yes.

9 Q. There's always someone --
10 there's always BOP personnel, at least one
11 person in that housing unit
12 twenty-four/seven; is that correct?

13 A. Correct.

14 Q. What was the first
15 indication -- I want to draw your attention
16 to the incident involving my client. What
17 was the first indication that something was
18 wrong in this particular housing unit?

19 A. The inmates started yelling at
20 the unit officer to come to the tier, that
21 there was a sick inmate.

22 Q. Do you know which tier that
23 was?

24 A. I have on my memo -- because I
25 wouldn't remember if you even told me. The

1 P. DELANEY

2 memo I have is Tier 12. It says Tier 12.
3 It says "11 South Tier 12 inmate started
4 yelling for the unit officer."

5 Q. Do any of -- you said there was
6 one camera surveillance that was aimed at,
7 I guess, the middle of the tier where the
8 officers post is. Does it capture any
9 images from that particular area?

10 A. It would capture the images of
11 the staff going up to the tier or walking
12 in that general direction.

13 Q. But nothing from the actual
14 tier itself?

15 A. No, nothing from the actual
16 tier.

17 Q. Do you know what time this
18 occurred, approximately when this officer
19 was being notified?

20 A. I mean I have in my memo
21 approximately 11:40 p.m.

22 Q. P.M. or a.m.?

23 A. P.M.

24 Q. Do you know what officer was
25 posted at that time?

1 P. DELANEY

2 A. Officer Kearns.

3 Q. Anyone else?

4 A. Not off the top of my head. I
5 don't remember any of the other staff.

6 Q. Did Officer -- do you know
7 whether or not Officer Kearns responded to
8 it?

9 A. Yes, he responded, and that
10 when he called for a medical emergency and
11 hit his body alarm.

12 Q. Do you know who respond to that
13 emergency?

14 A. I would not know, unless I
15 looked at other paperwork that showed and
16 looked at their memorandums, which would be
17 in the 583.

18 Q. Prior to discovering the
19 condition of my client, do you know if
20 there were any issues having my client that
21 evening, any kind of fights or any kind of
22 horseplay or anything on the like involving
23 him?

24 A. Not to my knowledge.

25 Q. Did you yourself report to the

1 P. DELANEY

2 scene that evening?

3 A. Yes. I was the only lieutenant
4 in the building that night.

5 Q. Really quick, did you ever
6 attend SIS training?

7 A. Yes.

8 Q. Can you describe for me that
9 type of training that you had?

10 A. It's investigating --
11 investigatory training. Basically looking
12 at -- I mean all aspects, whatever,
13 everything from how to test for drugs to
14 how the inmates do the introduction of
15 drugs to investigations for fights, how to
16 detain information from when you question
17 inmates, information from closed circuit
18 TVs, how long they last for, how long they
19 have -- what do you call it, the DVRs, last
20 for, all the computer systems and the
21 monitoring systems that BOP has in place
22 for phone monitoring and inmate monitoring
23 of their correspondence, monitoring of
24 their mail, monitoring of recorded phone
25 conversations, how to lock the phone

1 P. DELANEY

2 conversations, how to do one degree of
3 separation on an inmate.

4 So basically investigative
5 skills and tailored to the systems that the
6 bureau has. It was one week of training
7 separate from the lieutenant training that
8 I received.

9 Q. Do you know what happened to
10 Roberto Grant that evening?

11 A. Just what I heard, which would
12 be just hearsay. I don't personally, no.

13 Q. Did you have a role in
14 investigating to Mr. Grant's death?

15 A. I did not, because I was
16 involved as a witness. So usually if
17 you're involved in responding to any
18 incidents in the institution, you can't be
19 involved in the investigation of it.

20 Q. What were you -- did you have
21 any observation of what occurred involving
22 Mr. Grant that evening?

23 A. I remember -- so the body alarm
24 went off. I responded with other staff
25 from other locations of the institution.

1 P. DELANEY

2 But staff -- one or two staff members
3 arrived prior to me arriving to the unit.
4 So I was coming from the third floor. They
5 may have came over from one of the closer
6 floors. So the officer was able to gain
7 access to the tier.

8 So after the count and inmate
9 are counted at night, the officer can't
10 enter the tier by himself for safety
11 reasons for the inmates and also for the
12 officer.

13 So the staff member -- once the
14 first staff member arrived, they entered
15 and found the inmate, which was described
16 he was wet, and when I saw him he was
17 soaking wet and he had already been removed
18 from his bunk and they were doing CPR on
19 him when I arrived.

20 Q. Do you know what caused him to
21 be soaking wet?

22 A. Again, hearsay and stuff that
23 came on in the investigation afterwards
24 when they were interviewing inmates and
25 stuff that I heard that inmates were trying

1 P. DELANEY

2 to revive him in the shower. Again, I'm
3 not witness to it. It was only hearsay.

4 Q. Do you have any -- based upon
5 hearsay not, but based upon your
6 observations, do you have any idea of
7 what -- and based upon your experience, do
8 you have any idea of what was the cause of
9 Mr. Grant's death?

10 A. Some kind of medical issue. I
11 mean, upon my arrival, with my experience
12 and when I arrived, the -- I went and
13 checked -- the officer had checked and I
14 had checked to see if the inmate had a
15 pulse. We could not feel a pulse. So I
16 called for what they call an AED, right, an
17 automatic defibrillator unit, which are
18 located in the sally ports in the elevators
19 right outside the unit doors.

20 So another staff member
21 retrieved that and I placed an AED on the
22 inmate at the time. So the inmate possibly
23 still has a faint enough pulse, because the
24 AED didn't tell us shock. So if you have
25 no pulse, the AED is going to tell to you

1 P. DELANEY

2 shock. So it did not -- the first time we
3 put it on and it analyzed, it didn't
4 request us to shock him.

5 Q. Did you notice any trauma on
6 Mr. Grant's body?

7 A. No.

8 Q. Did you notice if he was
9 bleeding anywhere?

10 A. No, not to my knowledge.

11 Q. During your career, how many
12 inmate death investigations have you been
13 involved in?

14 A. I've responded to -- off the
15 top of my head, I want to say I've
16 responded to three attempts, meaning that
17 they attempted to take their own lives, and
18 the inmates didn't succeed or whatever and
19 they made a full recovery, and I've respond
20 to one other inmate that I had to do CPR on
21 after -- I want to say it was after 2015.

22 Q. How often -- let's talk a
23 little about the about the unit officers in
24 the housing unit. How often are the unit
25 officers required to observe the inmates?

1 P. DELANEY

2 A. They're supposed to do what
3 they would describe -- you don't want to do
4 rounds at the same time every single time,
5 because then the inmates will figure out
6 your routine. So they have to do sporadic
7 rounds. So if they're doing rounds, they
8 do 1, 3 and 5 tiers, and the following time
9 they're going to do, you know, Tier 6, 4
10 and 8. So they rotate. So they do rounds
11 every thirty minutes, not to exceed forty.

12 Q. Do they have to wait thirty
13 minutes before they do a round or is
14 that --

15 A. It's basically like if you took
16 a clock and made it into pie and divided it
17 in half, you have to do a round in one
18 section of that. So if your last round was
19 at 12:15, your next round should be prior
20 to 12:50.

21 Q. How do they go about doing
22 these rounds, like how do they go about
23 observing the inmates?

24 A. Basically walking from tier to
25 tier. On this particular unit, it would be

1 P. DELANEY

2 walking from tier to tier.

3 Q. That would be in front of the
4 grill?

5 A. Correct.

6 Q. Would they flash a light within
7 the grill --

8 A. Yes.

9 Q. -- into the unit?

10 A. Yes.

11 Q. Would they try to observe each
12 inmate within that area?

13 A. Only required to observe each
14 inmate during the count time.

15 Q. Did the --

16 A. The count time on a particular
17 day would be, if you did the beginning of
18 the day would be 12 midnight, 3:00 in the
19 morning, 5:00 in the morning, 4:00 in the
20 afternoon, and at that time at MCC I think
21 it was either 9 or 9:30 count at night.

22 Q. Do they enter their
23 observations in a logbook or an electronic
24 log?

25 A. Yes. 2015, I think they had

1 P. DELANEY

2 just started the electronic log, which is
3 Tru Scope, it's called.

4 Q. Tru Scope?

5 A. Yes, Tru Scope. T-R-U scope.

6 MR. LAUFER: Counsel, I don't
7 know if you've produced the
8 electronic log for the housing area
9 on that evening. But to the degree
10 you haven't, I'm calling for
11 production of that.

12 MR. ISSACHAROFF: Okay. I'll
13 look into that.

14 Q. Back in 2005, how often would
15 staff find inmates using or possessing K2?

16 MR. ISSACHAROFF: 2005? I
17 think you mean 2015.

18 MR. LAUFER: 2015. My bad.

19 A. Okay. 2015, it was the height.
20 2014, 2015 it was blowing up. So when the
21 staff was catching the items and there were
22 mass shakedowns done on the institution and
23 it slowed down, you would have one case
24 maybe a week.

25 When it wasn't slowed down and

1 P. DELANEY

2 there wasn't mass shakedowns and everything
3 locked down, the institution going through
4 every nook and cranny that came into the
5 institution, you were looking at four or
6 five cases a week, even topping up to about
7 seven, and inmates were showing signs of
8 being under the influence, slur -- slurred
9 speech, couldn't stand on their own, would
10 be escorted down to medical and be sent to
11 the local hospital.

12 Q. Do you think Grant's
13 involvement potentially distributing K2 was
14 a factor in his death?

15 A. That's new to me, because I
16 didn't know that.

17 Q. Did you observe anyone drop
18 Mr. Grant as he was being transferred to
19 the gurney in the housing unit?

20 A. No.

21 Q. Did you ever hear that he was
22 dropped?

23 A. Just inmates stating while they
24 were doing the investigation or afterwards
25 when they were questioning, they said that

1 P. DELANEY

2 they heard a thump when the staff pulled
3 him off the bed.

4 Q. Do you know which staff pulled
5 him off the bed?

6 A. All I know is Officer Kearns
7 was there. That's the only person I know
8 off the top of my head, without looking at
9 any other documentation that I filled out.

10 Q. Do you believe that if this
11 dropping occurred, do you think that it
12 contributed to his death?

13 A. Not to my knowledge. I mean,
14 I -- I know that there was a lot questions
15 around that. But there was him being wet,
16 found or whatever, inmates hearsay that
17 they were saying that they were trying to
18 revive him. I don't know what they were
19 doing to him prior to that, doing
20 life-saving measures on him, and then also
21 EMS intubating him right in front of staff,
22 but prior to loading him into the
23 ambulance. So I don't know which
24 contributed to his death.

25 Q. Are all FOB staff trained in

1 P. DELANEY

2 emergency response to medical emergency?

3 A. Basic -- yes, basic first aid
4 and CPR. Basic life measures until a
5 higher authority arrives.

6 Q. During this time period in
7 2015, were you the emergency preparedness
8 officer in MCC?

9 A. Off the top of my head, yes, I
10 probably was. I hold a lot -- I did wear a
11 lot of hats at MCC the last couple years I
12 was there prior to getting promoted.

13 Q. Was part of your duties as EPO
14 to train staff to respond to emergency
15 situation?

16 A. As the EPO, you hold the drills
17 to see if the staff received the proper
18 training. I physically didn't do the
19 training. As the emergency preparedness, I
20 would do the testing and everything. I
21 would test the alarm systems. I would test
22 the fire systems. I would test the
23 cameras. I would test the locking
24 mechanisms, the responsive staff, making
25 sure that they had the right keys on then

1 P. DELANEY

2 at the right time. If they needed exits,
3 if they knew where the AED was located,
4 where the fire extinguisher was located. I
5 was basically in charge of all the
6 emergency responses for the institution.

7 Q. During the evening hours when
8 you only had one officer at the observation
9 post in this particular housing unit, that
10 one officer would never enter a tier at
11 any -- for any reason whatsoever; is that
12 correct?

13 A. At that particular time, no,
14 they would not.

15 Q. They would just flash their
16 lights through the grill?

17 A. They would check the inmates
18 through the grill, correct, and then once
19 it was count time, you have -- you have to
20 observe living, breathing flesh when you do
21 the count.

22 So an officer would stand in
23 the center of the unit or at the grill,
24 open the grill, let one officer in. That
25 officer would do the count, physically

1 P. DELANEY

2 count everybody. Then they would switch an
3 the other officer would go in and count.
4 That was on a midnight shift. It was done
5 three times during the midnight shift to
6 make sure the inmates were alive.

7 Q. In this particular housing
8 unit, do inmates often engage in fights or
9 kind of, you know, arguments, things of
10 that nature, during this time period?

11 A. Well, during that time period
12 and during like 2015, like towards my time,
13 ending my time there at MCC, they started
14 to -- the inmates that were never getting
15 into trouble and weren't physical were the
16 ones that they tried to house on that
17 particular unit. It wasn't like an honor
18 dorm, but the inmates that didn't get in
19 trouble and didn't have any problems were
20 the ones that usually were on that dorm.

21 If you were an inmate that got
22 into a fight on that dorm, you never got to
23 go back. The reason that the inmates liked
24 that dorm was because they had TVs on those
25 tiers. So you could sit up and watch TV,

1 P. DELANEY

2 and there was a table on that tier, and
3 play cards twenty-four hours a day. So --
4 but the regular housing units, you were
5 locked in your cell from 9:00 at night
6 until 6:00 in the morning. So
7 trouble-wise, there was usually very little
8 trouble on 11 South dormitory.

9 Q. So if anyone is engaging in any
10 of that type of activity, they would get in
11 trouble?

12 A. They would get in trouble and
13 they would get moved. They would -- the
14 unit team and see me in my capacity now as
15 a DHO, and then they would go and the unit
16 team would go and move them to another
17 unit, because that particular unit, they
18 would try to keep as quiet as possible
19 because it was a dormitory and it almost
20 like an honor dorm kind of situation.

21 MR. LAUFER: At this time, I'd
22 like to mark for identification
23 purposes the first exhibit I'm going
24 to use, which is your Form 583 report
25 of incident. I believe that's United

1 P. DELANEY

2 States_390 through 392.

3 (Whereupon, the Form 83 was
4 marked as Plaintiff's Exhibit 1 for
5 identification as of this date by the
6 Reporter.)

7 Q. Do you have that in front of
8 you?

9 A. I have 390 -- I have three
10 items.

11 Q. Right. 390 through 392; is
12 that correct?

13 A. Yes.

14 Q. Are you familiar with this
15 document?

16 A. 583, yes.

17 Q. What do you know this document
18 to be?

19 A. It's the report of incidents.
20 So all incidents that occur in the
21 institution, everything from an assault,
22 assaulting inmate, assaulting staff,
23 attempted assault, an escape, a fight, a
24 fire, self-mutilation, a suicide attempt, a
25 work strike, inmate being under the

1 P. DELANEY

2 influence of something or any kind of issue
3 that happens at the institution, the
4 lieutenant on shift needs to fill out this
5 report.

6 Q. Do you fill -- have you filled
7 reports out like this before?

8 A. Yes.

9 Q. Was this report filled out
10 involving my client Roberto Grant?

11 A. Yes.

12 Q. Was this report created in the
13 ordinary course and scope of your work at
14 MCC at the time?

15 A. Yes.

16 Q. Can you describe the context --
17 contents within this report? We'll start
18 with page 1, this particular report.

19 A. Okay.

20 Q. Take your time to review it.

21 A. Okay.

22 Q. Are you done?

23 A. Yes.

24 Q. Describe for me the contents of
25 this report.

1 P. DELANEY

2 A. Contents of the report is
3 basically the observations of staff and the
4 observations that I had, because I was the
5 one who generated the initial report, make
6 notification of the incident that occurred
7 that day. So you actually see that the
8 description of the incident, which is
9 Section 6 of the 583, is almost an exact
10 duplicate of my actual memo.

11 Q. You were the individual that
12 actually deployed the AED on Mr. Grant; is
13 that correct?

14 A. Yes.

15 Q. Did you -- you're telling me
16 you didn't observe him move from the bunk
17 to the actual gurney?

18 A. From the bunk to the gurney,
19 no, because he was placed on the floor.

20 Q. Did you observe him being moved
21 from the bunk to the floor?

22 A. Bunk to the floor, off the top
23 of my head I don't remember seeing that. I
24 remember moving him from the -- the staff
25 moving him from the floor to the gurney,

1 P. DELANEY

2 because you can't get the gurney up the
3 stairs.

4 Q. Okay. To the tier.

5 A. Or did they get it up the
6 stairs. I'm trying to think of what they
7 did, because they also had -- I want to say
8 off the top of my head they brought the
9 portable stretcher. So there's portable
10 stretchers hanging in the hallway of the
11 institution right outside the unit doors
12 right next to the AEDs in what they call
13 the elevator sally port, and they brought
14 the portable stretcher in, and other staff
15 responded ask got the actual gurney or
16 stretcher. The used like an ambulance
17 stretcher from medical and brought that up.

18 We used the portable, which we
19 laid on the floor next to the inmate, and
20 moved him to the portable stretcher and
21 then moved the portable stretcher to the
22 top of the actual ambulance stretcher that
23 was in the main common area.

24 That's usual procedure, because
25 of the stairs, because you're dealing --

1 P. DELANEY

2 hospital -- ambulance stretchers by
3 themselves or whatever almost weigh five
4 hundred pounds. So to lift that plus an
5 inmate up the stairs would be a little
6 tasking for a handful of officers.

7 Q. Did you ever conduct a
8 mortality review regarding the death of my
9 client, Roberto Grant?

10 A. No.

11 Q. You didn't conduct a mortality
12 review? Why not?

13 A. What's a mortality review?

14 Q. Isn't that a standard procedure
15 that you would follow in regard to a death
16 of an inmate?

17 A. That's not what it's named at
18 the Bureau, off the top of my head.

19 Q. What -- something, you know,
20 that you would, I guess, engage in, some
21 sort of process that you would engage in to
22 determine what caused the death of --

23 A. To find out the cause?

24 Q. Yes.

25 A. I wouldn't be involved in it,

1 P. DELANEY

2 because I was a part of it.

3 Q. But you were also part of
4 leadership at that time of the prison, were
5 you not?

6 A. Correct. Correct, but I was
7 the actual shift lieutenant on. So if I
8 was the shift lieutenant on, I was involved
9 in the incident. The internal working of
10 the institution. So if there's a death of
11 an inmate, it would be done by SIS and it
12 would also be done by the FBI for checks
13 and balances.

14 Q. Do you know if the FBI was
15 involved in the investigation of my
16 client's death?

17 A. Yes.

18 Q. Do you know if either the SIS
19 or FBI came to any kind of conclusion of
20 whether or not my client was murdered?

21 A. FBI called me in and took
22 statements from me because I was responding
23 staff and took statements from all the
24 responding staff and all the staff that
25 were involved from the time the inmate

1 P. DELANEY

2 there, the inmate was transferred to EMS to
3 the time he was pronounced dead at the
4 hospital, and I was never notified of
5 anything after that.

6 Q. Do you know who referred this
7 matter to the FBI?

8 A. Not off the top of my head, no.

9 Q. Is it --

10 A. I have no knowledge. I just
11 know that I was called by the FBI and the
12 AUSA to give a statement.

13 Q. Did they have you sign what's
14 referred to as a 302?

15 A. I don't know. Off the top of
16 my head I don't recall.

17 Q. That's fine.

18 Do you recall signing any
19 paperwork with either the AUSA or the FBI?

20 A. No, I don't recall signing
21 anything. I recall giving them all my
22 documentation and giving them a verbal --
23 like we're talking right now.

24 Q. Do you know if it's standard
25 operating procedure to report all deaths at

1 P. DELANEY

2 that occur at the facility to the FBI?

3 A. Yes.

4 Q. It's up to the FBI whether they
5 investigate further?

6 A. Yes, because they are the main
7 investigators.

8 Q. Sometimes they investigate and
9 sometimes they don't?

10 A. Yes. It's up to them and the
11 AUSA.

12 Q. But in this case they did
13 investigate?

14 A. Yes. They called me several
15 months or years later.

16 Q. Did you ever testify before a
17 grand jury in relation to this --

18 MR. ISSACHAROFF: I'm going
19 to -- I'm sorry. I going to object
20 and instruct the witness not to
21 answer. Grand jury testimony is
22 obviously to secret the extent any
23 exists.

24 MR. LAUFER: I'm going to mark
25 that for a ruling. I think the

1 P. DELANEY

2 minutes of the grand jury in this
3 particular instance are discoverable.

4 Q. Were you ever served with a
5 grand jury subpoena involving this
6 incident?

7 MR. ISSACHAROFF: Again, I'm
8 going to instruct the witness not to
9 answer.

10 Q. Do you know if anyone was
11 accused of murdering Mr. Grant?

12 A. Not to my knowledge.

13 Q. Do you know if anyone was
14 arrested in relation to the murder of my
15 client, Roberto Grant?

16 A. Not to my knowledge.

17 Q. I referred to a procedure
18 called a mortality review to get to the
19 bottom of why someone may have died at a
20 prison facility such as MCC. Do you have
21 another name for that?

22 A. I mean, even with that stuff,
23 when it came to any kind of review like
24 that, it was we would be, I would say
25 almost like handcuffed by the FBI or OIG or

1 P. DELANEY

2 OIA to come in, another investigative arm
3 to come in and do an investigation. We
4 don't do an investigation on ourself. So
5 we didn't have any kind of mortality review
6 or any kind of procedures in place for
7 that.

8 Q. Do you know whether or not the
9 FBI, to your knowledge, deemed what
10 occurred to my client as a homicide?

11 A. Not to my knowledge. The only
12 thing that I know is they -- the agent who
13 was assigned to the institution came over
14 and interviewed myself and several staff
15 that responded that day, and then again I
16 was called over to the AUSA to give a
17 statement and that was it.

18 Q. As part of your medical
19 training while working for BOP, does it
20 involve identifying trauma that may have
21 been suffered by a prisoner?

22 A. With the training is basically
23 basic first aid, airway, breathing and
24 circulation to check and see if the person
25 has a pulse, if they're breathing and if

1 P. DELANEY

2 they have circulation. That's for CPR, and
3 basic first aid, so the only areas that we
4 had viewed on the patient at the time was
5 his neck area, checking his carotid pulse
6 and his pulse on his wrist, or radial
7 pulse, and checking or a pulse on his -- by
8 his ankle, which we didn't get a pulse on
9 either three, and then removing as much
10 clothing from the upper torso, so you can
11 landmark and do CPR on an inmate or a
12 person.

13 Q. Did a -- obviously, if you see
14 a prisoner bleeding, that's a form of
15 trauma, you would agree with that, right?

16 A. Right. But to my knowledge in
17 that particular incident I don't remember
18 any blood.

19 Q. How about bruising, if you see
20 bruising you obviously know that that's a
21 form of trauma as well correct?

22 MR. ISSACHAROFF: Objection to
23 form.

24 A. I didn't -- off the top of my
25 head I don't remember seeing any blood or

1 P. DELANEY

2 any bruising or anything glue know.

3 Q. But you know -- obviously, you
4 know what those things are?

5 A. Correct. Blood underneath your
6 skin is bruising --

7 Q. Correct.

8 A. -- from an injury.

9 Q. So you didn't see any kind of
10 bruise or any kind bleeding under the skin
11 around Mr. Grant's neck when you were
12 searching for a pulse?

13 A. No.

14 Q. You know what the hyoid bone
15 is?

16 A. Other than seeing -- hearing
17 about it on the news and other incidents
18 and stuff like that, I don't specifically
19 know where it is or what it is.

20 Q. Do you know if it's in the
21 neck?

22 A. It's in the neck, yes. That's
23 only because of the news reporting about
24 another incident that happened about
25 another death and a hyoid bone being broken

1 P. DELANEY

2 during a hanging.

3 Q. Do you know a Lt. Gene Joseph?
4 Do you know that person?

5 A. Gene Joseph?

6 Q. They might be NYPD?

7 A. Yes. No. Not to my knowledge,
8 I don't know that name.

9 Q. Do you know if the NYPD was
10 involved in this investigation at all?

11 A. Not to my knowledge.

12 Q. It was all FBI?

13 A. Yes.

14 Q. Have you ever observed an
15 inmate after -- withdraw that question.

16 Have you ever observed an
17 inmate who may have suffered an injury from
18 being choked prior to this incident?

19 A. Prior to this incident, no.

20 Q. You never had any kind of
21 instance where, you know --

22 A. An attempted suicide, yes.

23 Q. They may have tried to hang
24 themselves or whatever?

25 A. Yes. When I was an officer and

1 P. DELANEY

2 a couple of times a lieutenant?

3 Q. Part of your first aid
4 training, did it consist of identifying
5 signs of someone being choked or having
6 some sort of bruising or injury to the
7 neck?

8 A. Well, in the instances prior to
9 this incident of other inmates or people
10 that I've seen with injuries to the neck
11 from choking injury of a noose, the staff
12 is trained to hold the person up to make
13 them -- the noose limp, so you can cut the
14 noose away from the person's neck or
15 whatever and so you can restore the airway
16 and breathing.

17 But other than like being -- or
18 treating a person, all those other
19 instances either happened during the day or
20 when medical staff was available and they
21 were the ones that did the medical -- the
22 life-saving measures with the staff that
23 responded.

24 Q. Right. But I mean you would
25 be -- you're considered a first responder,

1 P. DELANEY

2 are you not, in situations like that?

3 A. Yes.

4 Q. Obviously, as a first responder
5 you still have to have the ability to
6 identify what's wrong with someone that may
7 have a medical emergency?

8 A. Correct. Airway, breathing,
9 circulation. ABC.

10 Q. You want to be able to tell
11 medical personnel that are responding after
12 you what your observations were; would that
13 be fair to say?

14 A. Yes. But the observation that
15 day was he didn't have a pulse and he
16 didn't have any trauma, to my knowledge.
17 But when we did our first assessment,
18 checking for the carotid pulse. He didn't
19 have a pulse. We started CPR and we were
20 doing the AED. You stop CPR so the AED can
21 electronically see if you have a rhythm or
22 not.

23 Q. Did you ever come do learn that
24 my client suffered injuries that were
25 consistent with being choked?

1 P. DELANEY

2 A. Hearsay, and other people
3 talking afterwards while the investigation
4 was going on. I wasn't privy to any of
5 that information because I wasn't involved
6 in the investigation.

7 Q. Fair enough. I understand
8 that.

9 What did you hear in regard to
10 my client and him being choked to death? I
11 know it's hearsay, potentially.

12 A. Right. I only heard bits and
13 pieces that other inmates had said that
14 they were toking -- like an inmate, they
15 were toking and smoking. They were doing
16 something, and he basically passed out and
17 -- or went limp and they were holding him
18 up and trying to revive him and slapping
19 him and threw him in the shower to get --
20 to revive him.

21 That's why I put two and two
22 together, because he was wet when we were
23 trying to resuscitate him, and he wasn't
24 wet from sweating, he was wet from head to
25 toe.

1 P. DELANEY

2 Q. Did you ever review any
3 toxicology reports involving my client
4 postmortem?

5 A. No, because I wasn't in the
6 investigation.

7 Q. Did you ever come to learn the
8 results of any toxicology reports?

9 A. No.

10 Q. If I fold you they came back
11 next for any kind of illicit substance
12 including K2, would that refresh your
13 recollection?

14 A. Well, again, if it came back, I
15 don't know, because I wasn't involved in
16 the investigation.

17 Q. Did it occur to you that as a
18 first responder that the inmates who were
19 telling you that they tried to revive him
20 in the shower may have been lying?

21 MR. ISSACHAROFF: Objection to
22 form. I'm not -- well --

23 Q. You can answer the question.
24 He's just objecting to the way I structured
25 it.

1 P. DELANEY

2 A. The inmates lie? Yes, inmates
3 do lie.

4 Q. Did you did in any way doubt
5 the veracity of their statements initially
6 when you appeared at the scene?

7 A. There was not very much talking
8 when we appeared at the scene. So we
9 responded. The only conversation that the
10 inmates basically had with the responding
11 staff was the initial officer telling him
12 to come help the person that was passed
13 out, and then we initiated life-saving
14 measures for them.

15 I actually secured all the
16 inmates, because the inmates were
17 surrounding staff when I arrived, you know
18 just like onlookers, like they do if it was
19 on the street and a staff member or a
20 person collapses, a regular Joe citizen
21 collapses, people, you know, tend to crowd
22 and goggle, you know, like see what's going
23 on, onlookers.

24 So all the inmates did that.
25 They surrounded the staff, which is a

1 P. DELANEY

2 security concerned. So when I arrived I
3 kicked all the inmates off the tier, gave
4 them, all the inmates instructions to go
5 with the responding staff that responded
6 and we secured them in what would be like
7 the indoor gymnasium that they have on the
8 unit. So there wasn't very much talking
9 between staff and inmates.

10 Q. Who is Maureen Baird?

11 A. She was the warden at the time
12 at the institution.

13 Q. I'm looking back at the 583.
14 This is your report; is that correct?

15 A. Yes. It's initiated by the
16 lieutenant on shift.

17 Q. Do you know who collected --
18 you said that you were a witness; is that
19 correct?

20 A. Yes, a witness/first responder.

21 Q. Do you know who -- but you
22 created this report, is that correct, and
23 the information contained in it?

24 A. So that's the initial
25 information that's collected. So that's --

1 P. DELANEY

2 when you do a 583, the operation lieutenant
3 does a memo of the incident, also puts his
4 memo in -- he matches the memo that he
5 gives of the incident to the captain and
6 the warden, the same memo that they put
7 into as the operations lieutenant memo in
8 the 583.

9 You collect the medical. If
10 there's medical there, you collect the
11 medical assessments. You collect the
12 photos. You collect everything, the chain
13 of custody, and everything gets collected
14 by the lieutenant on the 583.

15 If SIS is available, they
16 collect everything with the chain of
17 custody so there's less people involved
18 with touching any evidence, if there's any
19 evidence involved, and the 583 basically is
20 just a collection of the information at the
21 time of the incident. Everything from --
22 I'm looking at my memo now -- from when he
23 was pronounced dead from 12:33 by the
24 emergency room doctor, everything after his
25 death or whatever is all done by SIS and

1 P. DELANEY

2 FBI.

3 Q. You collected all the
4 information that's contained in here, is
5 that correct, the attachments?

6 A. Yes. I'm the one who scans it
7 and uploads into that particular computer
8 system that keeps tabs of all those 583s.

9 Q. Did you take the photos of my
10 client at the time?

11 A. I'd have to look at -- no. I'm
12 looking right now.

13 Q. Page 3.

14 A. So that was not entered by me.
15 That memorandums were entered by 18813. So
16 that's the actual person who entered
17 information. So like my number is 18876.
18 So it could have been my activities
19 lieutenant who came in it at -- let me see.
20 They were done on the next day.

21 So I want to say that the
22 photos of Grant were probably -- because we
23 were doing life-saving measures on him or
24 whatever. So we're not first thing to
25 think about is to grab a camera. So we

1 P. DELANEY

2 probably went off of his inmate photo
3 that's kept in the system for verification
4 of him leaving and his name and number, and
5 then photos were probably uploaded taken at
6 the hospital after his demise.

7 MR. LAUFER: Counsel, to the
8 degree that you haven't produced
9 photos involving my client -- I know
10 you produced some -- I'm going to
11 call for production of those photos
12 in color form.

13 MR. ISSACHAROFF: I'm sorry.
14 Are you saying we haven't produced
15 those all in color form?

16 MR. LAUFER: I don't think you
17 produced all of them in color form.
18 I know you definitely produced
19 photos. I don't know if you produced
20 all the photos in your possession.
21 But the ones that you haven't
22 produced, I would just request that
23 you produce them in color form.

24 MR. ISSACHAROFF: Okay. I'll
25 look into that.

1 P. DELANEY

2 Q. Did you -- when you make a
3 referral to the FBI -- prior to the
4 incident involving my client, have you ever
5 made a referral to the FBI regarding a
6 prisoner at any of the institutions that
7 you worked at?

8 A. Yes.

9 Q. You have to -- are you familiar
10 with the form that's filled out when you do
11 that?

12 A. Yes.

13 Q. Do you know whether or not --

14 A. You fill them out on behalf of
15 SIA or the special investigative agent for
16 the institution or the SIS lieutenant,
17 fills out the form on behalf of the warden,
18 and then sends it to the warden and the
19 warden reviews it, make the changes that he
20 or she wants on it and then they're the
21 ones who do the referral. The referral
22 always comes from the warden.

23 Q. There has to be a reason that
24 you put down on the form, is that correct,
25 that you were referred to -- when you

1 P. DELANEY

2 referred to -- to the FBI?

3 A. Yes. There is a section almost
4 like a 583 where you have check-off areas
5 of the investigation, why it's being
6 referred and what code of conduct is being
7 violated.

8 Q. Did you ever observe the form
9 that was used for the referral in this
10 particular matter?

11 A. No, I have not.

12 MR. LAUFER: I may need you to
13 pull another doc, Lucas.

14 MR. ISSACHAROFF: Just going
15 back, I'm going to refer you to
16 US_284 to 286, which I believe are
17 the color photos that were referred
18 to.

19 MR. LAUFER: Thank you.

20 Q. I'm going to refer to US_304
21 and 305. I want to just question you
22 regarding this.

23 MR. ISSACHAROFF: I just sent
24 those over. It's a very large file,
25 so let me know when it comes through,

1 P. DELANEY

2 and if it doesn't I'll just pull off
3 those last two pages and send them to
4 you.

5 MR. LAUFER: Okay. I just want
6 to ask him about 304 and 305 really
7 quick.

8 Q. Let me know when you're ready
9 to go, DHO Delaney.

10 MR. ISSACHAROFF: Before we
11 proceed, let me just note that this
12 is the same document that I had that
13 is indicated on a privileged a log
14 for a subsequent production. So I
15 guess we'll withdraw the claim of
16 privilege with respect to that
17 document. It's still obviously
18 subject to the protective order, but
19 we will no longer assert the
20 privilege.

21 MR. LAUFER: Sure. No problem.

22 Q. Just let me know when you're
23 done reviewing the two-page document, DHO
24 Delaney.

25 A. Okay. I reviewed it.

1 P. DELANEY

2 Q. Are you familiar -- I know you
3 may have not filled out this document, but
4 are you familiar with the form that this
5 document takes?

6 A. Yes.

7 Q. Have you fill out documents
8 like this before the incident involving my
9 client?

10 A. Yes.

11 Q. Did you fill out this
12 particular document?

13 A. Not to my knowledge. But it is
14 my memo that they attached to it.

15 Q. They put your memo in this
16 document?

17 A. Right.

18 Q. Do you believe this document to
19 be created in the ordinary course and scope
20 of the functioning or the work at MCC
21 prison?

22 A. Yes.

23 Q. I'm just going to draw your
24 attention to a small area at the top
25 right-hand corner, beneath the initial

1 P. DELANEY

2 original enter date, and it says this a
3 referral; is that correct?

4 A. Correct.

5 Q. This is a referral of a
6 criminal matter for investigation?

7 A. For homicide inmate.

8 Q. So this is -- the basis for the
9 referral was a homicide regarding the
10 inmate; is that correct?

11 A. On this particular referral,
12 yes, so that the warden and SIA at the time
13 referred him.

14 Q. What inmate homicide, what
15 inmate did this involve?

16 A. That is Roberto Grant.

17 Q. That is the Roberto Grant that
18 we have been talking about during this
19 deposition; is that correct?

20 A. Correct.

21 Q. That's it for that document.
22 DHO Delaney, I'm going to draw your
23 attention -- this is an earlier document
24 that was e-mailed to you by your attorney.
25 It's US_372 through 389. I believe it's

1 P. DELANEY

2 one document, maybe forty-four pages or so.
3 Maybe a little bit less. I'm sorry. Maybe
4 more like seventeen pages. My apologies.

5 A. 373?

6 MR. ISSACHAROFF: Yes. The
7 file is incorrectly named US_373.
8 But it's -- the first page, you'll
9 see, is Bates stamped US_372.

10 MR. LAUFER: Section 1.

11 Q. What I'd like to you do, DHO
12 Delaney, is just review this document in
13 its entirety. You don't have to read --
14 you know, as much as you'd like. When
15 you're done reviewing it, just please let
16 me know.

17 A. Okay.

18 MR. ISSACHAROFF: Do you want
19 to that take a break at any point?

20 MR. LAUFER: If you'd like to,
21 that's fine. We can take a
22 five-minute break. That's cool.

23 MR. ISSACHAROFF: Yes, that
24 sounds great. I'm come back on at
25 11:41.

1 P. DELANEY

2 MR. LAUFER: That sounds good.

3 It is now 11:38.

4 (Whereupon, a short recess was
5 taken.)

6 MR. LAUFER: Back on the
7 record.

8 Q. Let's talk a little bit about
9 document US_372 through 389. Did you have
10 an opportunity to review this, DHO Delaney?

11 A. Yes.

12 Q. What do you know this document
13 to be?

14 A. It's basically all the Sentry
15 transaction and Sentry paperwork on your
16 client that I produced and printed
17 between after he departed to before all the
18 rest of the paperwork was completed. It's
19 basically what they call a go pack or
20 whatever. It's basically if an inmate goes
21 to the hospital or leaves our custody or
22 leaves that you have to print -- the
23 information you have to print and show
24 copies that you actually keyed the person
25 out.

1 P. DELANEY

2 So you see on page 2 of the
3 document it actually shows that he was
4 keyed out at 12:28, out of the institution.

5 Q. Specifically let's go to 373.
6 What information is contained on this
7 particular page?

8 A. Which page?

9 Q. 373.

10 A. Which page of 373?

11 Q. No, it's US_373. I guess
12 that's --

13 A. 373. I see it. Okay. So that
14 would be page 2 and that was the
15 transaction of your client being keyed out
16 to the local hospital.

17 Q. That's the officer that
18 actually keyed him out?

19 A. No, it's probably -- I want to
20 say that I did. So after hours there's no
21 receiving and discharge, which is R&D, that
22 does all the movement from the institution.
23 So after the hours the lieutenant has to
24 key. So after EMS got there, EMS left. I
25 made all the notifications to the captain

1 P. DELANEY

2 and the warden and everybody, and I
3 actually got back to my desk. That's when
4 he was keyed out of the institution at
5 12:28 or 0028.

6 Q. Did you create the entries that
7 are in this document?

8 A. I printed the entries. So it
9 basically shows -- yes, I printed and
10 scanned and made the -- that's why it has
11 me as the reporting lieutenant on Section 1
12 or 372.

13 Q. Right.

14 A. Those are -- the Sentry
15 transactions are basically the computer
16 program that's used to track everything on
17 the inmate. It tracks the inmates's
18 movement, the cell he was assigned, the bed
19 he's assigned, the locker he's assigned.
20 If he went to court, came back from court,
21 whose custody he belongs to, U.S.
22 Marshal's, Homeland Security, and basically
23 those are the Sentry transactions.

24 Those are the codes on page
25 372, on PP 44, PP 41, PD15. That's -- PD

1 P. DELANEY

2 15 is the disciplinary history on the
3 inmate. PP10 is his separation if he
4 separated from another inmate. Those are
5 the different transactions. Basically,
6 it's a packet that's printed any time an
7 inmate will leave the facility.

8 Q. Do you know if my particular
9 client was in any kind of protective
10 custody, Mr. Grant?

11 A. Not to my knowledge, and
12 there's no information here.

13 Q. Do you know whether or not he's
14 working with the United States Attorney's
15 Office for any reason?

16 A. Not to my knowledge, and there
17 is no information on this paperwork that's
18 here.

19 Q. Would you be made aware if you
20 had, let's say, a CW, cooperating witness,
21 or a confidential informant, someone that's
22 working with the United States government
23 in a criminal matter?

24 A. There is -- yes, the inmate
25 would be highlighted in Sentry and there

1 P. DELANEY

2 would be information here. It would be on
3 his 44, and there's no information on his
4 44 here.

5 Q. Do you know whether or not my
6 client -- I say my client. The decedent
7 Roberto Grant, do you know whether or not
8 he had any issues, like any kind of
9 arguments or beefs with any of the other
10 prisoners?

11 A. Not to my knowledge.

12 Q. Do you know whether or not he
13 had to be segregated from anyone or any of
14 the other prisoners for any reason?

15 A. It notes on his 44, which is
16 386 or whatever that he had, is a person
17 who enters if they have separation issue,
18 and that was entered on 5/6/2014.

19 Q. What does the entry state?

20 A. So Tyrone D. Hoyett was the
21 person he was separated from. But he was
22 removed 5/6.

23 Q. 2014, a year earlier?

24 A. Yes.

25 Q. Do you know why he had to be

1 P. DELANEY

2 separated from that particular inmate?

3 A. No.

4 Q. Do you know whether or not it
5 was gang related?

6 A. No, there's no information on
7 it. Basically at MCC, off the top of my
8 head, back then they probably had about --
9 they had a lot of inmates back in 2015. So
10 say they had eight hundred inmates. Out of
11 eight hundred inmates, five hundred of them
12 had separation.

13 Q. So this is pretty common?

14 A. Yes, and basic separations
15 usually would be somebody they testified
16 against or somebody that they're
17 cooperating against or any kind of other
18 information, and then that would be listed
19 as a separation. To go into depth, that's
20 what unit team would know all the
21 information.

22 Any other things that would be
23 what they call a highlighted inmate, which
24 he is not, and that's another story that
25 I'm very familiar with.

1 P. DELANEY

2 Q. Do you know why -- is there any
3 information within this packet that
4 determines why he needed to be separated?

5 A. It just says that he has a
6 separation and that was current the day he
7 was there. But it doesn't specifically
8 say. It's not noted. There's no
9 information. The only information on the
10 notes that you see on 386, the notes say
11 that he pled guilty, that he interfered
12 with commerce. But there is no -- usually
13 they would have information there where the
14 remarks are.

15 Q. What about 387, the next page,
16 does that clarify anything or no?

17 A. Just that he was separated from
18 the noise. But it doesn't give the
19 information why. Gang-wise, he doesn't
20 have there's no SPG assigned. That's the
21 assignment they give to a gang member.

22 Q. Let's go to the next packet of
23 documents, 393 through 418. I believe your
24 attorney e-mailed this to you already.
25 It's entitled Section 3.

1 P. DELANEY

2 A. This is a file that is -- I'm
3 sorry. This is in the same document?

4 Q. No, this is US_393 through 418.

5 A. Okay. That's the last one that
6 was sent to me?

7 MR. ISSACHAROFF: Yes, that's
8 the third one. It's -- the file name
9 is US_00393 redacted.

10 A. Yes. These were the memos.

11 Q. I'd like you to review this set
12 of documents, and when you're done
13 reviewing them, please just let me know.

14 A. Okay.

15 Q. Are you familiar with this set
16 of documents?

17 A. Yes. They were all the
18 documents -- most of the documents that
19 were scanned for the 583.

20 Q. Were these documents created in
21 the normal ordinary course and scope of the
22 operations at MCC?

23 A. The memorandums or normal
24 course of operation, see attached to the
25 583 and then the stuff with -- prior to

1 P. DELANEY

2 with the investigation, it looks like
3 Officer Kearns sending information to
4 myself, Gonzales and Jeff Sewell, who was
5 the SIS lieutenant at the time, about
6 ongoing problems on his unit.

7 Q. What type of ongoing problems
8 with there?

9 A. He's talking about the way that
10 they're bringing it in.

11 Q. Do you know if officer Kearns
12 had a specific issue with my client with
13 Mr. Grant?

14 A. Not to my knowledge, no.

15 Q. Did he ever report that he had
16 a specific issue with Mr. Grant?

17 A. Not to my knowledge.

18 Q. Do you know whether or not he
19 was ever accused of being involved in some
20 way with Mr. Grant's death?

21 A. No, not to my knowledge.

22 Q. You note on US_396 -- just go
23 to that page. I think it's the fourth page
24 in the packet.

25 A. Okay.

1 P. DELANEY

2 Q. This is --

3 A. From Trejava.

4 Q. He mentions that it smelled os
5 smoking material. Do you know anything
6 about that?

7 A. That was his observation at the
8 time.

9 Q. Did you smell any smoke when
10 you were there?

11 A. Not -- the bad thing about me,
12 whatever, is A, I was smoker back then. I
13 don't smoke anymore, and a lot of times
14 when I was working -- inmates smoke. They
15 smoke tobacco. They smoke everything else,
16 and you couldn't tell the different between
17 what they were smoking and not smoking.

18 Q. That was a good thing that you
19 quit. Congratulations.

20 A. Thank you.

21 Q. You're welcome.

22 A. You know, what I'm basically
23 saying is as a smoker or whatever back
24 then, stuff like that, I wouldn't pick up
25 on some of the smells that officers that

1 P. DELANEY

2 didn't smoke would immediately smell. Like
3 you lose that taste and you lose that smell
4 of smoke or whatever when you're a smoker.

5 Q. I see. Do you believe that --
6 have you ever smelled K2? Do you know what
7 it smells like?

8 A. Yes. It's very hard to
9 describe, because there's so many different
10 variations of it. A lot of times it just
11 smells like burnt paper, a harsh smell of
12 burning paper, and that's because a lot of
13 times it's K2 liquid that's sprayed on
14 paper and they just smoke it.

15 When it's the leafy kind of K2
16 and they're smoking it, it smells a little
17 like marijuana but more like a burnt paper
18 or smoking a cigarette. But again, I was a
19 smoker back then, so I had trouble
20 deciphering between if they were smoking a
21 cigarette or smoking K2.

22 Q. Do you believe that, I guess
23 the either use or distribution of K2 in
24 that particular housing area had anything
25 to do with the death of my client?

1 P. DELANEY

2 A. No. It's hard to -- hard to
3 say I mean, other than everything like
4 hearsay in the investigation and looking at
5 these memos now and stuff like that because
6 of all the stuff that was going on in the
7 institution as a whole or was it just that
8 unit.

9 Q. Did you find that overall --

10 A. It was rampant.

11 Q. I'm sorry. Finish what you
12 were going to say.

13 A. K2 was rampant through the
14 whole institution.

15 Q. Did you find that during this
16 time period there was an uptick in violent
17 episodes or confrontations between
18 prisoners at the institution because of K2?

19 A. Most of the confrontations due
20 to K2 was because of the person being high
21 on K2. It wasn't usually between the
22 inmates. It was inmates were getting
23 locked down and they felt that the -- you
24 know, you have model inmates that just want
25 to do their time or whatever and not be in

1 P. DELANEY

2 -- what do you call it, hindered by all the
3 drug use and the inmates going off. So
4 when you had an inmate that was under the
5 influence, his cell mate or other inmates
6 other tried to hide them or keep them under
7 control and hide them fast, because they
8 knew that if we found them it would be
9 investigated and the unit would be locked
10 down for several days while we came to the
11 bottom of it.

12 Q. Do you know whether or not my
13 client got in trouble for either possession
14 or dealing K2 to other prisoners in the
15 past?

16 A. Not to my knowledge. I mean,
17 his Sentry work says that he had been in
18 possession of other items and stuff like
19 that, but it's not specific, and he had
20 some minor run-ins with staff or whatever.
21 But his disciplinary history was pretty
22 clean for an inmate, to look at the
23 disciplinary paperwork. That's on the
24 previous document we were looking at.

25 Q. Let's talk about your

1 P. DELANEY

2 statements to the FBI. Aside from the FBI,
3 did you give statements about -- and prison
4 officials, did you give statements to any
5 other law enforcement entity?

6 A. No, it was just the FBI and the
7 AUSA.

8 Q. Can you tell me what you stated
9 to the FBI?

10 A. Basically exactly how I
11 responded to -- they only wanted to know
12 the response on how I responded to the
13 incident. Like I was the witness of that
14 particular -- they talked to everybody --
15 so Kearns was the initial, because he was
16 the first person on scene with -- mentioned
17 in one of the memos, who is the second
18 officer that started to do compressions.

19 Q. Do you know if Officer
20 Kearns -- go on?

21 A. It was Officer Kearns -- I
22 forget -- George Stopolopoulos.

23 Q. Do you know if Officer Kearns
24 was ever accused of assaulting an inmate or
25 using any kind of physical force or

1 P. DELANEY

2 restraints against an inmate prior to the
3 incident with my client?

4 A. I don't recall. He was a quiet
5 officer and a senior officer. He had been
6 an officer for a while. But I don't recall
7 any -- other than he was, as you see him
8 from those e-mails that he sent to us, once
9 that incident happened or prior to that
10 incident, because again, K2 was rampant in
11 the institution, that any time he got
12 information from other inmate he posted it
13 to the lieutenant so we can pass on to SIS
14 to look into, investigate.

15 Q. Do you recall anything else
16 that you may have said to the FBI on your
17 302 regarding this incident?

18 A. On the 302?

19 MR. ISSACHAROFF: Objection to
20 form. I don't think he ever said
21 that there was a 302 necessarily.

22 A. No.

23 Q. That's fine. Fair enough.

24 Do you recall any other things
25 that you may have said to the FBI regarding

1 P. DELANEY

2 this incident?

3 A. Other than my response and
4 again, like I've talked -- told you in
5 reference to the -- what the hearsay was,
6 because I wasn't involved. They asked the
7 exact same thing was the inmate wet, was
8 the inmate -- did you see any marks on him
9 or stuff, and basically same questioning as
10 you're doing. But I, again, don't remember
11 or recall and that was sooner after the
12 incident, several months after the
13 incident.

14 Q. You gave them basically the
15 same response as you've given me today --
16 given us today; is that correct?

17 A. Correct, or again stated that
18 it was hearsay or what heard after the
19 fact, I wasn't privy to.

20 Q. Was the United States attorney
21 present at the time that he gave these
22 statements?

23 A. Yes, because they were -- I
24 don't know, off the top of my head, I don't
25 remember the capacity were they basically

1 P. DELANEY

2 in a fact-finding mission or whatever it
3 was.

4 Q. How many agents were there at
5 the time of the hearing statement?

6 A. Just the one agent who's
7 assigned to the institution.

8 Q. The same agent, have you had
9 prior dealings with?

10 A. Yes.

11 Q. Prior to the incident, did you
12 ever meet this AUSA before?

13 A. No, that was my first time
14 meeting that AUSA.

15 Q. Was it a male or female?

16 A. There were two AUSAs there.

17 Q. Were they both male? Both
18 female? One of each? Do you recall?

19 A. Male and female.

20 Q. If I told you the name Jason
21 Randanzo, was that the FBI agent that was
22 in charge?

23 A. Yes, that's the agent that was
24 assigned to the institution at the time. I
25 knew him as just Jason.

1 P. DELANEY

2 Q. Did you guy socialize outside
3 of work?

4 A. No, I only -- that was actually
5 maybe the second time I had met him. Other
6 times was all through phone and faxes and
7 e-mails.

8 Q. Where did you do this
9 interview?

10 A. At the AUSA's office right next
11 door to MCC.

12 Q. Were you represented by counsel
13 at that time?

14 A. No.

15 Q. You just went in there by
16 yourself?

17 A. Yes.

18 Q. Were you ever advised to have
19 counsel present?

20 A. No.

21 MR. LAUFER: I don't think I
22 have anything further, Lucas, for DHO
23 Delaney. I think I'm to going to
24 probably make a motion to unseal the
25 grand jury minutes involving my

1 P. DELANEY

2 client's death here. But other than
3 that, I think we're done for today
4 for the time being, unless something
5 new comes up and I need to recall
6 this witness.

7 MR. ISSACHAROFF: Okay. I just
8 want to check in my notes. I think
9 we have -- I gave you the Bates
10 numbers for what I believe the color
11 photos that we discussed are, at 284
12 to 286. Then you want me to look
13 into whether we've produced the Tru
14 Scope log for that evening.

15 MR. LAUFER: Right.

16 MR. ISSACHAROFF: Was there
17 anything else?

18 MR. LAUFER: No, other than the
19 grand jury minutes. You want to just
20 consent with me now to unseal those?

21 MR. ISSACHAROFF: Look,
22 honestly, there's so little there
23 that I will discuss it internally.
24 But we will have to follow up on
25 that.

1 P. DELANEY

2 MR. LAUFER: That's fine. I
3 just want to know where the FBI was
4 going with this, you know, in terms
5 us -- the attorney's office was going
6 with this -- you know, where the
7 United States Attorney's Office was
8 going with this in terms of potential
9 criminal prosecution. I just want
10 know what their theories were and who
11 they may have suspected may have been
12 involved in my client's murder.

13 MR. ISSACHAROFF: Yes. That's
14 obviously a pretty core criminal
15 investigation. But we'll talk about
16 that. We can touch base on that.

17 MR. LAUFER: All right. DHO
18 Delaney, thank you very much for your
19 attendance here today. I will get --
20 even though I am not required to, I
21 will do a courtesy and get a copy of
22 the transcript over to your attorney
23 and you can review it with him.

24 Q. Do you have any questions
25 before we end?

P. DELANEY

A. No. No questions.

MR. LAUFER: Thank you.

(Whereupon, at 12:30 P.M., the
Examination of this witness was
concluded.)

° ° ° °

1 P. DELANEY

2 D E C L A R A T I O N

3
4 I hereby certify that having been
5 first duly sworn to testify to the truth, I
6 gave the above testimony.
7

8 I FURTHER CERTIFY that the foregoing
9 transcript is a true and correct transcript
10 of the testimony given by me at the time
11 and place specified hereinbefore.
12
13
14

15 PATRICK DELANEY
16
17

18 Subscribed and sworn to before me
19 this _____ day of _____ 20____.
20
21

22 NOTARY PUBLIC
23
24
25

P. DELANEY

E X H I B I T S

PLAINTIFF EXHIBITS

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
Exh 1	Form 583	4

(Exhibits retained by Counsel.)

I N D E X

EXAMINATION BY	PAGE
MR. LAUFER	4

INFORMATION AND/OR DOCUMENTS REQUESTED	PAGE
INFORMATION AND/OR DOCUMENTS	
Electronic log	47
Photos in color form	75

QUESTIONS MARKED FOR RULINGS

PAGE LINE QUESTION

61 16 Did you ever testify before a
grand jury in relation to this?

P. DELANEY

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF QUEENS)

I, EPHRAIM JACOBSON, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of July 2020.

A handwritten signature in black ink, appearing to read 'Ephraim Jacobson', is written over a circular notary seal.

EPHRAIM JACOBSON

CASE NAME: Williams v. United States Of America Et Al
DATE OF DEPOSITION: 7/7/2020
WITNESSES' NAME: Officer Patrick Delaney

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES:

[& - additional]

Page 1

&	2	373 81:5,7 83:5,9 83:10,11,13	7
& 3:17	2 25:20 83:2,14	386 86:16 88:10	7 1:11
0	20 103:19 106:22	387 88:15	7/7/2020 106:3
0028 84:5	2000 11:3,4 12:11	389 80:25 82:9	75 104:20
00393 89:9	13:9,11 18:20	390 54:2,9,11	8
00394 8:6	2001 8:11,20 10:20	392 54:2,11	8 45:10
1	13:10 15:15	393 88:23 89:4	80 4:12
1 3:17 25:19 45:8	2005 47:14,16	396 90:22	83 54:3
54:4 55:18 81:10	2007 14:14 16:15	3:00 46:18	86 2:10
84:11 104:8	16:20 17:7,19,21	3rd 2:10	9
10007 2:11	17:23 18:20 21:21	4	9 17:6 46:21
10018 2:5	2009 18:20 21:21	4 45:9 104:8,15	9/11 8:18,19
10:00 1:12 35:16	21:23,24	40 28:10	9:00 53:5
36:14,17	2014 30:21 47:20	40th 2:5	9:30 36:13 46:21
11 18:22 23:2,11	86:23	41 84:25	a
25:2,15 31:17,22	2015 20:19 21:19	418 88:23 89:4	a.m. 1:12 38:22
31:25 32:13 38:3	25:3 28:16 29:2	44 84:25 86:3,4,15	abc 68:9
53:8	30:21 44:21 46:25	47 104:19	ability 68:5
11232 4:13	47:17,18,19,20	4:00 46:19	able 33:14 34:23
11691 1:21	50:7 52:12 87:9	5	42:6 68:10
11:00 24:13	2016 5:24,24	5 45:8	academy 8:15,17
11:38 82:3	2017 9:22	5/6 86:22	8:18,19,22,25 14:3
11:40 23:24 38:21	2018 9:22	5/6/2014 86:18	14:18,22,23,25
11:41 81:25	2019 5:25	500 28:10	15:7,19,21,23 16:2
12 38:2,2,3 46:18	2020 1:11 105:20	525 1:20	16:5,6,8
12:15 45:19	22nd 105:20	583 7:21 39:17	access 33:10 35:6
12:28 83:4 84:5	264 2:5	53:24 54:16 56:9	42:7
12:30 102:4	284 77:16 100:11	72:13 73:2,8,14,19	accounted 35:20
12:33 73:23	286 77:16 100:12	77:4 89:19,25	accused 28:22
12:50 45:20	29th 4:12	104:8	62:11 90:19 95:24
15 85:2	3	583s 74:8	act 24:7
16 104:24	3 45:8 74:13 88:25	5872 105:23	action 105:16
17cv06779 1:6	302 60:14 96:17,18	5:00 46:19	activities 74:18
18813 74:15	96:21	6	activity 53:10
18876 74:17	304 77:20 78:6	6 45:9 56:9	actual 38:13,15
19 21:10	305 77:21 78:6	604 2:5	56:10,17 57:15,22
1990 10:10 11:3,10	360 34:15	61 104:24	59:7 74:16
12:2	372 80:25 81:9	6:00 53:6	add 5:8
1996 11:4,10 12:2	82:9 84:12,25		additional 14:8
12:11			

[address - basically]

Page 2

address 4:11 6:5 administer 3:11 administering 9:21 administrative 6:3 advised 99:18 aed 43:16,21,24,25 51:3 56:12 68:20 68:20 aeds 57:12 afternoon 46:20 agent 63:12 76:15 98:6,8,21,23 agents 98:4 agree 5:9 64:15 agreed 3:5,20 aid 9:5,9,19 10:2 11:18,20 12:3,5,25 14:9,10 20:20 21:2 50:3 63:23 64:3 67:3 aimed 38:6 airport 11:14 airway 10:2 63:23 67:15 68:8 al 1:8 2:10 106:2 alarm 22:18,18 23:5 39:11 41:23 50:21 alarms 13:23 alive 52:6 allowed 36:19 ambulance 49:23 57:16,22 58:2 america 1:8,16 2:10 106:2 analyzed 44:3 andrew 2:4,6 6:9 ankle 64:8 announce 37:5	announcement 22:22 announces 22:23 answer 6:25 61:21 62:9 70:23 anybody 19:11 anymore 24:12 91:13 anyway 31:15 apart 27:9,11 apologies 81:4 appearance 28:9 appeared 71:6,8 approximately 8:13 21:25 38:18 38:21 april 20:18 area 27:5 29:14 32:2,13,21,22 33:2 33:5,7,13,16 34:5 34:9 38:9 46:12 47:8 57:23 64:5 79:24 92:24 areas 26:10,11 64:3 77:4 arguments 52:9 86:9 arm 63:2 arrest 9:16 12:8 arrested 62:14 arrival 43:11 arrived 10:3,4 21:4 30:6 42:3,14 42:19 43:12 71:17 72:2 arrives 50:5 arriving 42:3 aside 95:2 asked 97:6 asking 7:3	aspects 19:20,20 40:12 assault 54:21,23 assaulting 54:22 54:22 95:24 assert 78:19 assessment 68:17 assessments 73:11 assigned 14:25 15:3 27:23 63:13 84:18,19,19 88:20 98:7,24 assignment 14:4 28:19 88:21 assistance 22:17 22:23 assistant 20:15 assume 32:10 assumed 36:16 assuming 30:8 attached 22:19 79:14 89:24 attachments 74:5 attempt 54:24 attempted 44:17 54:23 66:22 attempts 44:16 attend 8:21 40:6 attendance 101:19 attention 37:15 79:24 80:23 attorney 2:8 6:9 80:24 88:24 97:20 101:22 attorney's 85:14 101:5,7 attorneys 2:4,9 ausa 60:12,19 61:11 63:16 95:7 98:12,14	ausa's 99:10 ausas 98:16 authority 50:5 authorized 3:11 automatic 43:17 available 67:20 73:15 aw 20:13 aware 24:2 85:19 <hr/> b <hr/> b 104:2 back 8:15 10:19 15:9 16:9 22:8 25:2 28:15 29:22 30:23 37:4 47:14 52:23 70:10,14 72:13 77:15 81:24 82:6 84:3,20 87:8 87:9 91:12,23 92:19 bad 47:18 91:11 baird 72:10 balances 59:13 bank 28:23 bar 34:20 bars 34:19 35:3 36:6 base 101:16 based 43:4,5,7 basic 9:2,9,19,25 9:25 11:20 12:5 12:16 14:10 15:17 16:4 31:7 50:3,3,4 63:23 64:3 87:14 basically 12:14 13:19 15:18,23,24 16:3 18:2,7,13 19:6,22 25:7 28:8 32:20 35:18 36:12 40:11 41:4 45:15 45:24 51:5 56:3
--	--	--	--

[basically - client]

Page 3

63:22 69:16 71:10 73:19 82:14,19,20 84:9,15,22 85:5 87:7 91:22 95:10 97:9,14,25 basis 80:8 bates 8:5 81:9 100:9 bathroom 25:12 25:13 bay 32:2 bed 36:25 49:3,5 84:18 beds 27:6,8,10,13 36:23 37:4 beefs 86:9 beginning 46:17 behalf 76:14,17 behavior 32:4,6 believe 6:11 21:18 23:22 49:10 53:25 77:16 79:18 80:25 88:23 92:5,22 100:10 belong 28:12 belongs 84:21 beneath 79:25 big 25:11 30:22,23 bit 21:16 81:3 82:8 bits 69:12 blank 23:13 bleeding 44:9 64:14 65:10 blood 64:18,25 65:5 105:16 blowing 47:20 body 22:18 39:11 41:23 44:6 bone 65:14,25 boom 30:22	bop 4:25 8:10,12 10:11,14,17,20 13:10,13 14:2 37:10 40:21 63:19 bottom 62:19 94:11 break 81:19,22 breathing 51:20 63:23,25 67:16 68:8 briefly 8:25 bringing 90:10 broken 65:25 brooklyn 4:12 14:5,7 25:23 brought 57:8,13 57:17 bruise 65:10 bruises 12:6 bruising 64:19,20 65:2,6 67:6 building 40:4 bunk 27:6,8,9,13 28:17,24 42:18 56:16,18,21,22 bunked 26:22 bunks 34:24 36:20 bureau 41:6 58:18 burning 92:12 burnt 92:11,17	calling 47:10 camera 32:19,24 38:6 74:25 cameras 50:23 capable 35:13 capacity 53:14 97:25 capt 7:25 captain 5:21,23 7:23 19:16 20:10 20:14 73:5 83:25 capture 38:8,10 card 35:7 cardiac 9:16 12:8 cards 53:3 career 12:20 44:11 carotid 64:5 68:18 case 1:6 13:6 47:23 61:12 106:2 cases 48:6 catching 47:21 cause 43:8 58:23 caused 42:20 58:22 ceased 13:11 cell 53:5 84:18 94:5 cells 25:8 32:22 center 22:21 26:16 26:18 33:13,19,20 51:23 centre 28:10 century 5:6 certain 30:19 certification 3:8 certify 103:4,8 105:9,14 chain 73:12,16 chambers 2:10 change 23:15,16 23:22,23 24:14	106:5 changed 24:13,16 changes 24:2 76:19 changing 24:5 charge 18:3,13 19:8 20:12 51:5 98:22 check 18:12 30:8 51:17 63:24 77:4 100:8 checked 30:12 43:13,13,14 checking 12:17 18:4 64:5,7 68:18 checks 18:10,11 18:14 59:12 child 30:3 choked 66:18 67:5 68:25 69:10 choking 67:11 cigarette 92:18,21 circuit 40:17 circulation 63:24 64:2 68:9 citizen 71:20 city 10:25 civil 1:19 claim 78:15 clarification 7:2 clarify 88:16 clean 94:22 cleared 36:14 client 21:12,12,18 22:4,11 29:7 31:19 32:15 37:16 39:19,20 55:10 58:9 59:20 62:15 63:10 68:24 69:10 70:3 74:10 75:9 76:4 79:9 82:16
	c		
	c 2:2 4:2 103:2 105:2,2 call 19:11 23:2 32:21 40:19 43:16 57:12 75:11 82:19 87:23 94:2 called 4:2 5:17 22:16 39:10 43:16 47:3 59:21 60:11 61:14 62:18 63:16		

[client - day]

Page 4

83:15 85:9 86:6,6 90:12 92:25 94:13 96:3 client's 59:16 100:2 101:12 clock 45:16 closed 40:17 closer 42:5 closets 34:4 clothing 64:10 code 77:6 codes 84:24 collapses 71:20,21 collar 28:2,4 collect 73:9,10,11 73:12,16 collected 72:17,25 73:13 74:3 collection 73:20 color 75:12,15,17 75:23 77:17 100:10 104:20 columbia 10:24 11:7 12:12 13:9 13:12 come 22:8 30:2 37:20 63:2,3 68:23 70:7 71:12 81:24 comes 23:13 76:22 77:25 100:5 coming 23:18 42:4 commerce 88:12 commission 106:25 committed 28:23 common 32:21 57:23 87:13 companies 10:23 company 13:15,20	complete 34:15 completed 35:19 82:18 compressions 95:18 computer 40:20 74:7 84:15 computers 33:10 concerned 32:6 72:2 concluded 102:6 conclusion 59:19 condition 39:19 conduct 58:7,11 77:6 confidential 85:21 confined 36:22 confrontations 93:17,19 confused 7:2 congratulations 6:4 91:19 congregates 33:3 33:6 conjunction 33:16 connected 26:12 consent 100:20 consider 6:3 considered 32:9 67:25 consist 67:4 consistent 68:25 contained 72:23 74:4 83:6 contents 55:17,24 56:2 context 55:16 continuation 9:10 contraband 32:9 contributed 49:12 49:24	control 22:21 94:7 conversation 4:15 71:9 conversations 40:25 41:2 cool 81:22 cooperating 85:20 87:17 copies 82:24 copy 3:14,17 4:24 101:21 core 101:14 corner 25:14 79:25 correct 8:2 13:22 15:3,11,17 16:23 20:5 28:25 31:6 32:7,8 33:4 35:4 36:6,7 37:12,13 46:5 51:12,18 54:12 56:13 59:6 59:6 64:21 65:5,7 68:8 72:14,19,22 74:5 76:24 80:3,4 80:10,19,20 97:16 97:17 103:9 correction 16:25 correctional 9:2 15:18 17:2 19:20 corrections 15:25 correspondence 40:23 counsel 3:6,18 4:14,17 47:6 75:7 99:12,19 104:10 count 35:19 36:13 36:14 37:4 42:8 46:14,16,21 51:19 51:21,25 52:2,3 counted 35:20 36:13 42:9	county 105:5 couple 12:16 21:9 33:12 50:11 67:2 course 12:4 19:15 55:13 79:19 89:21 89:24 court 1:2 3:13 6:16 84:20,20 courtesy 101:21 courthouse 28:10 28:11 cpr 9:9,10 14:10 21:3,3 42:18 44:20 50:4 64:2 64:11 68:19,20 cranny 48:4 crayons 30:3 create 84:6 created 55:12 72:22 79:19 89:20 criminal 80:6 85:23 101:9,14 crowd 71:21 cs 17:6 current 88:6 currently 5:17 custody 73:13,17 82:21 84:21 85:10 cut 67:13 cuts 12:5 cw 85:20
d			
d 3:2 4:2 86:20 103:2 104:12 date 1:11 54:5 80:2 106:3 day 7:24 16:19,20 20:25,25 22:25 23:9,11 35:24 46:17,18 53:3 56:7 63:15 67:19			

[day - drugs]

Page 5

68:15 74:20 88:6 103:19 105:20 106:22 days 3:16 94:10 dead 33:19,20 60:3 73:23 dealers 27:25 dealing 9:14,23 57:25 94:14 dealings 98:9 death 41:14 43:9 44:12 48:14 49:12 49:24 58:8,15,22 59:10,16 65:25 69:10 73:25 90:20 92:25 100:2 deaths 60:25 decedent 21:13 86:6 deciphering 92:20 decisions 19:10 deemed 63:9 defendant 1:16 4:17 defendants 1:9 2:9 defibrillator 43:17 definitely 75:18 degree 41:2 47:9 75:8 delaney 1:17 4:1 4:10 5:1,11,12 6:1 6:5,8 7:1 8:1,9 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1	37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1,9 78:24 79:1 80:1 80:22 81:1,12 82:1,10 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1,23 100:1 101:1,18 102:1 103:1,15 104:1 105:1 106:3 106:21 delaney's 4:16 demise 75:6 departed 82:17 depending 33:23 deploy 12:24 20:20 21:2 deployed 56:12 depose 4:22 deposed 7:8 deposition 1:15 3:8,9,14 5:3 7:15 80:19 106:3 depth 87:19 describe 9:7 12:14 17:19 20:22 24:25	33:5,15 40:8 45:3 55:16,24 92:9 described 42:15 description 8:24 56:8 104:7 design 25:22 desk 84:3 detain 40:16 detainees 28:6,7 detectors 18:12 determine 58:22 determines 88:4 dho 5:19 6:5,8 8:9 53:15 78:9,23 80:22 81:11 82:10 99:22 101:17 died 62:19 difference 30:23 different 24:16 31:23 35:11 85:5 91:16 92:9 diploma 10:9 direction 38:12 disbursed 30:11 discharge 83:21 disciplinary 5:18 6:2 17:15 85:2 94:21,23 discoverable 62:3 discovering 39:18 discuss 100:23 discussed 100:11 distributing 48:13 distribution 92:23 district 1:2,2 2:9 divided 45:16 doc 77:13 doctor 73:24 document 8:5 54:15,17 78:12,17 78:23 79:3,5,12,16	79:18 80:21,23 81:2,12 82:9,12 83:3 84:7 89:3 94:24 documentation 7:14,17 49:9 60:22 documents 79:7 88:23 89:12,16,18 89:18,20 104:17 104:18 doing 11:19 12:17 13:22 18:3,14 19:25 21:3 32:3 42:18 45:7,21 48:24 49:19,19 68:20 69:15 74:23 97:10 dome 34:11 door 26:17 34:11 99:11 doors 34:20 43:19 57:11 dorm 37:3 52:18 52:20,22,24 53:20 dormitory 25:6 53:8,19 doubt 71:4 draw 23:12 37:15 79:23 80:22 drawn 30:3 drills 50:16 drop 48:17 dropped 48:22 dropping 49:11 drug 9:18,21 27:25 29:13,16 30:5,15,25 31:17 94:3 drugs 29:19,24 30:4,8 40:13,15
--	---	--	--

[due - first]

Page 6

due 93:19 duly 4:3 103:5 105:11 duplicate 56:10 duties 12:15 17:17 19:3 50:13 dvs 40:19	engage 24:8 52:8 58:20,21 engaging 53:9 enhancements 18:8 enter 8:15 34:5 35:5 42:10 46:22 51:10 80:2 entered 8:17,19 42:14 74:14,15,16 86:18 entering 12:18 enters 34:11 86:17 entire 34:15 entirety 81:13 entitled 88:25 entity 95:5 entrances 34:18 entries 84:6,8 entry 86:19 ephraim 1:21 105:7,23 episodes 93:17 epo 50:13,16 errata 106:1 escape 54:23 escorted 48:10 especially 24:20 esq 2:6,11 essentially 20:8 et 1:8 2:10 106:2 evening 35:16 39:21 40:2 41:10 41:22 47:9 51:7 100:14 event 22:10 events 22:3 everybody 52:2 84:2 95:14 everybody's 19:16	evidence 73:18,19 exact 56:9 97:7 exactly 95:10 examination 4:6 102:5 104:14 105:10,12 examined 4:5 exceed 45:11 executive 19:6 exh 104:8 exhibit 53:23 54:4 104:6,6 exhibits 8:7 104:4 104:10 exists 61:23 exits 51:2 expand 6:24 experience 10:12 24:6 43:7,11 expires 106:25 extent 61:22 extinguisher 51:4 extinguishers 13:16	fashion 11:18 fast 94:7 faxes 99:6 fbi 59:12,14,19,21 60:7,11,19 61:2,4 62:25 63:9 66:12 74:2 76:3,5 77:2 95:2,2,6,9 96:16 96:25 98:21 101:3 federal 1:19 28:9 feed 4:16 5:5 6:19 feel 4:19 43:15 feet 27:11 felt 93:23 female 98:15,18 98:19 fight 52:22 54:23 fighting 24:8 fight 39:21 40:15 52:8 figure 45:5 file 77:24 81:7 89:2,8 filing 3:7 fill 55:4,6 76:14 79:7,11 filled 25:10 49:9 55:6,9 76:10 79:3 fills 76:17 find 5:6 24:6 47:15 58:23 93:9,15 finding 98:2 fine 6:7,25 60:17 81:21 96:23 101:2 finish 93:11 fire 13:14,15,16,17 13:23,23 50:22 51:4 54:24 first 4:3 6:15 8:10 9:4,9,19,25 11:18 11:20 12:3,5,16,25
e e 2:2,2 3:2,2 4:2,2 33:11 80:24 88:24 96:8 99:7 103:2 104:2,12 105:2,2 earlier 80:23 86:23 education 10:6 effect 3:12,15 eight 87:10,11 eighty 25:24,25 either 32:3 46:21 59:18 60:19 64:9 67:19 92:23 94:13 electronic 46:23 47:2,8 104:19 electronically 68:21 elevator 57:13 elevators 43:18 emergency 13:5 23:2 39:10,13 50:2,2,7,14,19 51:6 68:7 73:24 employer 11:22 employment 10:16 10:20 14:2 ems 10:3 49:21 60:2 83:24,24 enclosed 34:9 ended 30:20 enforcement 10:13 95:5	e e 2:2,2 3:2,2 4:2,2 33:11 80:24 88:24 96:8 99:7 103:2 104:2,12 105:2,2 earlier 80:23 86:23 education 10:6 effect 3:12,15 eight 87:10,11 eighty 25:24,25 either 32:3 46:21 59:18 60:19 64:9 67:19 92:23 94:13 electronic 46:23 47:2,8 104:19 electronically 68:21 elevator 57:13 elevators 43:18 emergency 13:5 23:2 39:10,13 50:2,2,7,14,19 51:6 68:7 73:24 employer 11:22 employment 10:16 10:20 14:2 ems 10:3 49:21 60:2 83:24,24 enclosed 34:9 ended 30:20 enforcement 10:13 95:5	f f 3:2 105:2 facilities 25:13 facility 27:20 61:2 62:20 85:7 facing 26:13 fact 4:20 5:11 19:12 97:19 98:2 factor 48:14 faint 43:23 fair 68:13 69:7 96:23 familiar 54:14 76:9 79:2,4 87:25 89:15 far 1:20 27:9 34:24	

[first - head]

Page 7

13:5,13 14:3,9,10 14:18 15:9 16:4,6 16:12 20:17,20 21:2 37:14,17 42:14 44:2 50:3 53:23 63:23 64:3 67:3,25 68:4,17 70:18 72:20 74:24 81:8 95:16 98:13 103:5 five 26:4,5 48:6 58:3 81:22 87:11 flash 46:6 51:15 flat 24:20 flesh 51:20 floor 2:10 42:4 56:19,21,22,25 57:19 floors 42:6 flunked 16:8 fob 49:25 fold 70:10 follow 28:15 30:10 58:15 100:24 following 45:8 follows 4:5 force 3:15 95:25 foregoing 103:8 forget 95:22 form 3:21 6:22 53:24 54:3 64:14 64:21,23 70:22 75:12,15,17,23 76:10,17,24 77:8 79:4 96:20 104:8 104:20 forth 105:11 forty 45:11 81:2 forward 16:14 found 12:8 42:15 49:16 94:8	four 33:12 37:12 48:5 53:3 81:2 fourth 20:15 90:23 fraud 28:23 front 31:14 32:22 32:23 35:3 46:3 49:21 54:7 full 44:19 functioning 79:20 further 3:20 61:5 99:22 103:8 105:14 future 5:4	go 15:23 16:5,6,7 16:14 17:2 22:6 25:18 26:4,5 35:22 45:21,22 52:3,23 53:15,16 72:4 78:9 82:19 83:5 87:19 88:22 90:22 95:20 goes 82:20 goggle 71:22 going 8:8 10:15 15:6 18:6 22:18 33:24 38:11 43:25 45:9 48:3 53:23 61:18,19,24 62:8 69:4 71:22 75:10 77:14,15,20 79:23 80:22 93:6,12 94:3 99:23 101:4 101:5,8 gonzales 90:4 good 5:12 6:8 82:2 91:18 government 85:22 grab 74:25 grade 17:19 18:18 18:19 graduated 10:18 grand 61:17,21 62:2,5 99:25 100:19 104:25 grant 21:13 22:4 22:11,15 41:10,22 48:18 55:10 56:12 58:9 62:11,15 74:22 80:16,17 85:10 86:7 90:13 90:16 grant's 41:14 43:9 44:6 48:12 65:11 90:20	great 81:24 grill 36:6 46:4,7 51:16,18,23,24 grills 34:19 35:2 gs 18:22 guess 38:7 58:20 78:15 83:11 92:22 guidance 19:18 guilty 88:11 gurney 48:19 56:17,18,25 57:2 57:15 guy 99:2 gymnasium 72:7
	g		h
	gain 42:6 gang 87:5 88:19 88:21 gene 66:3,5 general 10:17 11:10 38:12 generated 56:5 george 95:22 georgia 8:23 15:10 gestures 6:20 getting 50:12 52:14 93:22 giant 25:11 30:22 give 8:24 11:22 16:12 19:18 21:7 60:12 63:16 88:18 88:21 95:3,4 given 35:14 97:15 97:16 103:10 105:13 gives 73:5 giving 9:4 60:21 60:22 glue 65:2 glynco 8:23 15:10 15:12		h 104:2 half 34:10 45:17 hallway 57:10 hand 30:12 34:6 34:12 79:25 105:20 handcuffed 62:25 handful 58:6 handle 15:25 hands 15:19 hang 66:23 hanging 57:10 66:2 happened 8:18 29:21 41:9 65:24 67:19 96:9 happening 29:21 happens 55:3 hard 92:8 93:2,2 harsh 92:11 hats 50:11 head 21:8 22:13 23:7 25:16 26:23 39:4 44:15 49:8 50:9 56:23 57:8 58:18 60:8,16

[head - institution]

Page 8

64:25 69:24 87:8 97:24 hear 48:21 69:9 heard 41:11 42:25 49:2 69:12 97:18 hearing 5:18 6:2 65:16 98:5 hearsay 41:12 42:22 43:3,5 49:16 69:2,11 93:4 97:5,18 height 47:19 held 1:19 help 71:12 helping 12:25 hereinbefore 103:11 105:11 hereunto 105:19 hicksville 1:20 hide 94:6,7 high 10:7,8,18 24:23 27:17 93:20 higher 50:5 highest 10:5 highlighted 85:25 87:23 hindered 94:2 hired 8:10,11 10:11,17,19 13:10 13:13 15:9 history 10:16,21 85:2 94:21 hit 39:11 hold 50:10,16 67:12 holding 69:17 homeland 84:22 homicide 63:10 80:7,9,14 honestly 100:22	honor 52:17 53:20 horseplay 24:8 39:22 hospital 10:25 11:5,8,21 12:22 13:3 29:17 48:11 58:2 60:4 75:6 82:21 83:16 hours 20:25 51:7 53:3 83:20,23 house 52:16 housing 25:8 27:5 29:4,15 33:8,19 34:6 36:4 37:11 37:18 44:24 47:8 48:19 51:9 52:7 53:4 92:24 hoyett 86:20 huh 6:23 hundred 27:2,3,4 58:4 87:10,11,11 hyoid 65:14,25	66:18,19 67:9 73:3,5,21 76:4 79:8 95:13 96:3,9 96:10,17 97:2,12 97:13 98:11 incidents 41:18 54:19,20 65:17 include 9:4,14 including 70:12 incorrectly 81:7 indicated 78:13 indication 37:15 37:17 individual 56:11 individually 35:3 indoor 72:7 influence 48:8 55:2 94:5 informant 85:21 information 6:12 9:25 40:16,17 69:5 72:23,25 73:20 74:4,17 82:23 83:6 85:12 85:17 86:2,3 87:6 87:18,21 88:3,9,9 88:13,19 90:3 96:12 104:17,18 infrared 18:11 initial 56:5 71:11 72:24 79:25 95:15 initially 15:9 71:5 initiated 71:13 72:15 injuries 67:10 68:24 injury 65:8 66:17 67:6,11 inmate 18:5 31:15 35:21 37:21 38:3 40:22 41:3 42:8	42:15 43:14,22,22 44:12,20 46:12,14 52:21 54:22,25 57:19 58:5,16 59:11,25 60:2 64:11 66:15,17 69:14 75:2 80:7 80:10,14,15 82:20 84:17 85:3,4,7,24 87:2,23 94:4,22 95:24 96:2,12 97:7,8 inmates 20:4,5 24:19 25:24,25 27:21 29:16 32:2 33:10,13 35:20 37:19 40:14,17 42:11,24,25 44:18 44:25 45:5,23 47:15 48:7,23 49:16 51:17 52:6 52:8,14,18,23 67:9 69:13 70:18 71:2 71:2,10,16,16,24 72:3,4,9 87:9,10 87:11 91:14 93:22 93:22,24 94:3,5 inmates's 84:17 ins 94:20 inside 36:2,4 installation 13:20 13:23 instance 62:3 66:21 instances 29:3 67:8,19 institution 9:11 15:19 18:4,9,14,16 19:7,9,14,17,21,25 24:22 25:6 31:21 41:18,25 47:22
	i		
	idea 43:6,8 identification 4:25 53:22 54:5 identifies 22:20 identify 68:6 identifying 63:20 67:4 illicit 32:4,6 70:11 images 38:9,10 immediately 14:20 33:22 92:2 in2001 8:16 incident 7:23 21:10,11,17 22:24 23:3,19,21 29:6 31:18 32:14 37:16 53:25 56:6,8 59:9 62:6 64:17 65:24		

[institution - knowledge]

Page 9

48:3,5 51:6 54:21 55:3 57:11 59:10 63:13 72:12 76:16 83:4,22 84:4 93:7 93:14,18 96:11 98:7,24 institutional 35:19 institutions 76:6 instruct 61:20 62:8 instructions 72:4 interactions 22:12 interested 105:17 interesting 25:4 25:21 interfered 88:11 internal 59:9 internally 100:23 interview 99:9 interviewed 63:14 interviewing 42:24 introduction 40:14 intubating 49:21 investigate 61:5,8 61:13 96:14 investigated 94:9 investigating 40:10 41:14 investigation 41:19 42:23 48:24 59:15 63:3,4 66:10 69:3,6 70:6 70:16 77:5 80:6 90:2 93:4 101:15 investigations 40:15 44:12 investigative 41:4 63:2 76:15	investigators 61:7 investigatory 40:11 involve 63:20 80:15 involved 41:16,17 41:19 44:13 58:25 59:8,15,25 66:10 69:5 70:15 73:17 73:19 90:19 97:6 101:12 involvement 48:13 involving 21:11 22:4,10 29:6 31:18 32:14 37:16 39:22 41:21 55:10 62:5 70:3 75:9 76:4 79:8 99:25 issacharoff 2:11 5:9 8:3 47:12,16 61:18 62:7 64:22 70:21 75:13,24 77:14,23 78:10 81:6,18,23 89:7 96:19 100:7,16,21 101:13 issue 43:10 55:2 86:17 90:12,16 issues 17:12,15 31:16,21 39:20 86:8 items 47:21 54:10 94:18	jersey 11:15,16 job 15:4 jobs 10:22 11:9 joe 71:20 joseph 66:3,5 judge 3:13 6:3 july 1:11 5:24 8:11 8:16 10:19 13:10 15:15 105:20 junior 17:6,18 18:18,19 19:23 jury 61:17,21 62:2 62:5 99:25 100:19 104:25	86:8 87:17 92:15 95:25 kitchen 33:21,22 knew 51:3 94:8 98:25 know 5:7 7:4 16:10 20:10 23:14 24:12 25:13 29:18 31:2 32:16 36:25 37:22 38:17,24 39:6,12,14,19 41:9 42:20 45:9 47:7 48:16 49:4,6,7,14 49:18,23 52:9 54:17 58:19 59:14 59:18 60:6,11,15 60:24 62:10,13 63:8,12 64:20 65:2,3,4,14,19,20 66:3,4,8,9,21 69:11 70:15 71:17 71:21,22 72:17,21 75:9,18,19 76:13 77:25 78:8,22 79:2 81:14,16 82:12 85:8,13 86:5,7,12,25 87:4 87:20 88:2 89:13 90:11,18 91:5,22 92:6 93:24 94:12 95:11,19,23 97:24 101:3,4,6,10 knowledge 29:8 39:24 44:10 49:13 60:10 62:12,16 63:9,11 64:16 66:7,11 68:16 79:13 85:11,16 86:11 90:14,17,21 94:16
		k	
		k 4:2 k2 9:24 47:15 48:13 70:12 92:6 92:13,15,21,23 93:13,18,20,21 94:14 96:10 kearns 23:9 39:2,7 49:6 90:3,11 95:15,20,21,23 keep 10:2 53:18 94:6 keeps 74:8 kept 75:3 key 35:6,8,10,12 83:24 keyed 82:24 83:4 83:15,18 84:4 keys 35:11 50:25 kicked 72:3 kind 11:17 28:14 29:13 30:4,14 32:5 39:21,21 43:10 52:9 53:20 55:2 59:19 62:23 63:5,6 65:9,10 66:20 70:11 85:9	
	j		
	jacobson 1:21 105:7,23 jail 15:21 jails 24:20 jason 98:20,25 jeff 90:4		

l	73:2,7,14 74:19 76:16 83:23 84:11 90:5 96:13 lieutenants 24:13 life 49:20 50:4 67:22 71:13 74:23 lift 58:4 light 46:6 lights 36:8,12,16 36:18 51:16 liked 52:23 limp 67:13 69:17 line 104:23 106:5 liquid 92:13 listed 87:18 little 21:15 44:23 53:7 58:5 81:3 82:8 92:16 100:22 live 5:4 lives 29:4 44:17 living 51:20 llc 106:1 loading 49:22 local 29:17 48:11 83:16 located 33:9,18 43:18 51:3,4 locations 28:19 41:25 lock 40:25 locked 48:3 53:5 93:23 94:9 locker 84:19 locking 50:23 log 46:24 47:2,8 78:13 100:14 104:19 logbook 46:23 long 14:12,21 18:17 21:16 40:18 40:18	longer 78:19 look 34:17,21,23 47:13 74:11 75:25 94:22 96:14 100:12,21 looked 30:17,18 31:8,9,9 32:20 39:15,16 looking 22:8 40:11 48:5 49:8 72:13 73:22 74:12 93:4 94:24 looks 90:2 lose 92:3,3 loss 11:2,11,13 12:20 lost 29:3 lot 49:14 50:10,11 87:9 91:13 92:10 92:12 low 27:18,25 lower 25:24 lt 4:16 5:12 16:15 17:10,22 66:3 lucas 2:11 5:7 77:13 99:22 luckily 13:2 lying 70:20	male 98:15,17,19 man 20:9 manhattan 16:18 manning 34:14 35:14 march 5:24 18:20 21:24 marijuana 31:3 92:17 mark 53:22 61:24 marked 54:4 104:22 marks 97:8 marriage 105:16 marshal's 84:22 mass 47:22 48:2 matched 32:17 matches 73:4 mate 94:5 material 91:5 matter 60:7 77:10 80:6 85:23 105:18 maureen 72:10 mcc 16:18 25:22 26:2 36:11 46:20 50:8,11 52:13 55:14 62:20 79:20 87:7 89:22 99:11 mdc 14:5,7,12,13 14:15,19 15:2,4,16 16:17 mean 20:24 23:7 38:20 40:12 43:11 47:17 49:13 62:22 67:24 93:3 94:16 meaning 44:16 measures 49:20 50:4 67:22 71:14 74:23 mechanisms 50:24
	m		
	machine 34:4 mail 30:2,9,11 31:4,13,13 40:24 mailed 29:23 31:4 80:24 88:24 mails 33:11 96:8 99:7 main 26:17 32:21 32:22 33:2,7 34:5 57:23 61:6 making 50:24		

[medical - occurred]

Page 11

medical 10:3 13:3 21:4 23:2 39:10 43:10 48:10 50:2 57:17 63:18 67:20 67:21 68:7,11 73:9,10,11 meet 98:12 meeting 98:14 member 35:21 42:13,14 43:20 71:19 88:21 members 42:2 memo 22:7 23:7 23:24 37:24 38:2 38:20 56:10 73:3 73:4,4,6,7,22 79:14,15 memorandum 7:19,22 memorandums 39:16 74:15 89:23 memos 89:10 93:5 95:17 mentioned 95:16 mentions 91:4 met 99:5 metal 18:12 methodology 28:15 mid 27:18 middle 34:7 38:7 midnight 23:17 46:18 52:4,5 mill 36:20 mini 15:21 minor 94:20 minute 81:22 minutes 45:11,13 62:2 99:25 100:19 mission 98:2	mixed 27:19,19 28:3 mock 34:3 model 93:24 monitor 10:2 monitoring 40:21 40:22,22,23,24 months 61:15 97:12 morning 5:12 6:8 46:19,19 53:6 mortality 58:8,11 58:13 62:18 63:5 motion 99:24 move 53:16 56:16 moved 53:13 56:20 57:20,21 movement 18:5 20:3 83:22 84:18 moving 56:24,25 multiple 10:23 29:15,20 murder 28:22 62:14 101:12 murdered 59:20 murderer 28:22 murderers 27:24 murdering 62:11 mutilation 54:24	neck 64:5 65:11,21 65:22 67:7,10,14 need 6:24 7:2 12:24 35:6,10 77:12 100:5 needed 20:19 35:8 37:3 51:2 88:4 needing 20:23 needs 22:23 55:4 never 25:10 36:17 51:10 52:14,22 60:4 66:20 new 1:2,20,22 2:5 2:5,9,11,11 4:4,12 10:25 11:8,15,16 48:15 100:5 105:4 105:8 106:1 newark 11:14 news 65:17,23 night 22:15 24:14 37:7 40:4 42:9 46:21 53:5 nineteen 8:13 noise 88:18 nonresponsive 12:9 nook 48:4 noose 67:11,13,14 normal 89:21,23 normally 17:9 north 33:24 northeast 13:14 notary 1:21 4:4 103:22 105:7 106:25 note 78:11 90:22 noted 88:8 notes 86:15 88:10 88:10 100:8 notice 1:18 44:5,8	notification 56:6 notifications 83:25 notified 38:19 60:4 notify 19:12 november 14:14 16:14,19,20 18:20 number 21:8 74:17 75:4 104:7 numbers 100:10 nypd 66:6,9
			o
			o 3:2 103:2 oath 3:12 object 61:19 objecting 70:24 objection 64:22 70:21 96:19 objections 3:21 observation 41:21 51:8 68:14 91:7 observations 24:3 43:6 46:23 56:3,4 68:12 observe 44:25 46:11,13 48:17 51:20 56:16,20 77:8 observed 66:14,16 observing 45:23 obtain 5:22 10:8 obviously 6:18 32:5 61:22 64:13 64:20 65:3 68:4 78:17 101:14 occasion 5:2 occasions 31:23 occur 24:2 31:3 54:20 61:2 70:17 occurred 18:21 21:17 22:15 23:21

[occurred - period]

Page 12

29:13 38:18 41:21 49:11 56:6 63:10 occurring 21:10 31:17 october 8:20 15:15 offenders 27:25 offer 17:4 office 2:4 85:15 99:10 101:5,7 officer 5:18 6:2 11:2,3 12:21 14:6 17:2,3,3,4,5 22:16 23:4,8,9 35:16,17 35:18,23,24,25 37:5,20 38:4,18,24 39:2,6,7 42:6,9,12 43:13 49:6 50:8 51:8,10,22,24,25 52:3 66:25 71:11 83:17 90:3,11 95:18,19,21,23 96:5,5,6 106:3,21 officers 15:6,8,22 18:4 19:23,24,24 23:10,16,17,18,20 23:25 24:4,15 32:20 33:9,17 34:21 35:13,15 36:15 38:8 44:23 44:25 58:6 91:25 officials 95:4 oia 63:2 oig 62:25 okay 6:6 16:16 47:12,19 55:19,21 57:4 75:24 78:5 78:25 81:17 83:13 89:5,14 90:25 100:7 once 35:18 36:13 42:13 51:18 96:8	ones 52:16,20 67:21 75:21 76:21 ongoing 90:6,7 onlookers 71:18 71:23 open 10:2 37:2,3 51:24 opened 31:14 operating 32:13 60:25 operation 73:2 89:24 operations 18:15 19:13,18 20:3 73:7 89:22 opportunity 82:10 opposite 26:14,15 order 35:5 78:18 ordinary 55:13 79:19 89:21 original 3:9,17 80:2 os 91:4 ourself 63:4 outcome 105:17 outside 43:19 57:11 99:2 overall 93:9 overdose 29:13,16 overdoses 9:18,21 9:24 overlap 24:18 overseeing 18:5 19:22 20:2 overseen 18:15	19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 p.m. 38:21,22,23 102:4 pack 82:19 packet 85:6 88:3 88:22 90:24 page 8:5 55:18 74:13 78:23 81:8 83:2,7,8,10,14 84:24 88:15 90:23 90:23 104:6,14,18 104:23 106:5	pages 78:3 81:2,4 paper 29:23,25 92:11,12,14,17 paperwork 39:15 60:19 82:15,18 85:17 94:23 part 50:13 59:2,3 63:18 67:3 particular 5:5 24:11 26:2 27:5 32:16 34:7 35:5 35:24 36:10 37:3 37:18 38:9 45:25 46:16 51:9,13 52:7,17 53:17 55:18 62:3 64:17 74:7 77:10 79:12 80:11 83:7 85:8 87:2 92:24 95:14 particularly 22:25 parties 3:7 105:15 pass 31:7 34:3 96:13 passed 69:16 71:12 passes 12:17 patient 10:3 64:4 patients 12:21 patrick 1:17 4:10 5:11 103:15 106:3 106:21 pd 84:25 pd15 84:25 pearl 28:10 people 12:18 15:24 16:7 23:13 31:24 67:9 69:2 71:21 73:17 period 12:23 14:17 50:6 52:10 52:11 93:16
---	--	--	--

[person - pursuant]

Page 13

<p>person 33:12 37:11 49:7 63:24 64:12 66:4 67:12 67:18 71:12,20 74:16 82:24 86:16 86:21 93:20 95:16</p> <p>person's 67:14</p> <p>personally 41:12</p> <p>personnel 13:4 37:10 68:11</p> <p>pertinent 6:12</p> <p>phone 19:11 40:22 40:24,25 99:6</p> <p>photo 75:2</p> <p>photos 73:12 74:9 74:22 75:5,9,11,19 75:20 77:17 100:11 104:20</p> <p>physical 31:8 52:15 95:25</p> <p>physically 15:5 36:17 50:18 51:25</p> <p>pick 19:11 91:24</p> <p>picture 30:2</p> <p>pie 45:16</p> <p>piece 31:4</p> <p>pieces 69:13</p> <p>place 40:21 63:6 103:11</p> <p>placed 43:21 56:19</p> <p>plaintiff 1:4,18 2:4 6:10 104:4</p> <p>plaintiff's 54:4</p> <p>play 53:3</p> <p>please 4:8 6:14,21 7:3 81:15 89:13</p> <p>pled 88:11</p> <p>pllc 2:4</p> <p>plus 58:4</p>	<p>point 24:7 34:22 81:19</p> <p>population 18:6</p> <p>port 57:13</p> <p>portable 57:9,9,14 57:18,20,21</p> <p>ports 43:18</p> <p>position 21:16 34:13</p> <p>positioned 34:25</p> <p>possessing 47:15</p> <p>possession 75:20 94:13,18</p> <p>possible 29:16 53:18</p> <p>possibly 9:15 43:22</p> <p>post 35:14 36:3 38:8 51:9</p> <p>posted 38:25 96:12</p> <p>postmortem 70:4</p> <p>potential 101:8</p> <p>potentially 48:13 69:11</p> <p>pounds 58:4</p> <p>pp 84:25,25</p> <p>pp10 85:3</p> <p>pre 27:20,21</p> <p>prefer 5:4</p> <p>preliminary 8:9</p> <p>premises 32:7</p> <p>preparation 7:14</p> <p>preparedness 50:7 50:19</p> <p>pres 12:12 13:9,12</p> <p>presbyterian 10:24 11:7,8</p> <p>present 97:21 99:19</p>	<p>pretrial 28:6,7</p> <p>pretty 87:13 94:21 101:14</p> <p>prevention 11:2,3 11:11,13 12:20</p> <p>previous 94:24</p> <p>print 82:22,23</p> <p>printed 82:16 84:8 84:9 85:6</p> <p>prior 9:19 10:11 10:14,17 15:4,6,20 21:9,11 22:10 23:23 29:2,5 39:18 42:3 45:19 49:19,22 50:12 66:18,19 67:8 76:3 89:25 96:2,9 98:9,11</p> <p>prison 20:9 27:16 29:19 59:4 62:20 79:21 95:3</p> <p>prisoner 28:16,17 63:21 64:14 76:6</p> <p>prisoners 9:5,15 23:25 24:7 26:21 27:5,12,16,17 29:3 29:18 30:11 31:5 36:9,19 86:10,14 93:18 94:14</p> <p>privilege 78:16,20</p> <p>privileged 78:13</p> <p>privy 69:4 97:19</p> <p>probably 27:11 50:10 74:22 75:2 75:5 83:19 87:8 99:24</p> <p>problem 6:17 22:21 78:21</p> <p>problems 52:19 90:6,7</p>	<p>procedure 1:19 57:24 58:14 60:25 62:17</p> <p>procedures 30:23 30:24 63:6</p> <p>proceed 5:3 78:11</p> <p>proceeded 17:9</p> <p>process 58:21</p> <p>produce 75:23</p> <p>produced 47:7 75:8,10,14,17,18 75:19,22 82:16 100:13</p> <p>production 47:11 75:11 78:14</p> <p>program 84:16</p> <p>promoted 5:25 14:14 16:15,22 17:13 18:22 50:12</p> <p>promotion 5:20</p> <p>pronounced 60:3 73:23</p> <p>proper 50:17</p> <p>property 12:18,19</p> <p>prosecution 101:9</p> <p>protective 78:18 85:9</p> <p>providing 4:24</p> <p>provisions 30:9</p> <p>public 1:22 4:4 103:22 105:7 106:25</p> <p>pull 77:13 78:2</p> <p>pulled 49:2,4</p> <p>pulse 43:15,15,23 43:25 63:25 64:5 64:6,7,7,8 65:12 68:15,18,19</p> <p>purposes 53:23</p> <p>pursuant 1:18</p>
--	---	--	--

[put - right]

Page 14

put 44:3 69:21 73:6 76:24 79:15 puts 73:3	recall 20:23 22:14 23:11 29:9,11 60:16,18,20,21 96:4,6,15,24 97:11 98:18 100:5	releases 20:7 remarks 88:14 remember 22:3 23:3 29:12 37:25 39:5 41:23 56:23 56:24 64:17,25 97:10,25	44:14,16 57:15 63:15 67:23 71:9 72:5 95:11,12
q	receive 11:17 14:8 received 9:8 41:8 50:17	remembered 22:9 removed 42:17 86:22	responder 67:25 68:4 70:18 72:20
queens 105:5 question 6:15 8:9 40:16 66:15 70:23 77:21 104:23 questioning 48:25 97:9 questions 6:22 7:3 7:5 49:14 101:24 102:2 104:22 quick 40:5 78:7 quiet 53:18 96:4 quit 91:19	receiving 83:21 recertification 9:12,13 recess 82:4 recollection 70:13 record 4:9 82:7 105:12 recorded 40:24 recovery 44:19 redacted 89:9 refer 77:15,20 reference 97:5 referral 76:3,5,21 76:21 77:9 80:3,5 80:9,11 referred 60:6,14 62:17 76:25 77:2 77:6,17 80:13 refresh 70:12 refresher 14:11 regard 9:8 17:13 30:10 58:15 69:9 regarding 6:13 21:18 58:8 76:5 77:22 80:9 96:17 96:25 regular 53:4 71:20 related 87:5 105:15 relation 61:17 62:14 104:25 released 20:6	report 37:4 39:25 53:24 54:19 55:5 55:9,12,17,18,25 56:2,5 60:25 72:14,22 90:15 reported 16:19 reporter 6:16 54:6 reporting 65:23 84:11 106:1 reports 55:7 70:3 70:8 represent 6:10 8:4 27:16 representations 4:19 represented 4:18 99:12 request 44:4 75:22 requested 104:17 required 44:25 46:13 101:20 reserved 3:22 respect 78:16 respective 3:6 respond 6:22 39:12 44:19 50:14 responded 13:5 23:14,19 31:25 39:7,9 41:24	responding 23:3 41:17 59:22,24 68:11 71:10 72:5 response 6:16 50:2 95:12 97:3,15 responses 51:6 responsibilities 12:15 19:3 responsibility 17:18 responsive 50:24 rest 25:7 32:17 82:18 restore 67:15 restraints 96:2 results 70:8 resuscitate 69:23 retained 104:10 retrieved 43:21 return 16:9 review 7:13,18 55:20 58:8,12,13 62:18,23 63:5 70:2 81:12 82:10 89:11 101:23 reviewed 78:25 reviewing 78:23 81:15 89:13 reviews 76:19 revive 43:2 49:18 69:18,20 70:19 rhythm 68:21 right 5:17 9:12 25:19 26:8,19 33:23 43:16,19 49:21 50:25 51:2
r	r 2:2 3:2 4:2 47:5 103:2 105:2 r&d 83:21 radial 64:6 radio 22:17,20 radios 22:19 rampant 93:10,13 96:10 randanzo 98:21 rank 5:16,21,22 5:25 16:24 17:5 20:9,15 ranks 17:10 read 81:13 reading 22:7 ready 78:8 really 6:19 36:11 40:5 78:6 reason 51:11 52:23 76:23 85:15 86:14 106:5 reasons 42:11		

[right - sitting]

Page 15

54:11 57:11,12 60:23 64:15,16 67:24 69:12 74:12 79:17,25 84:13 99:10 100:15 101:17 rise 24:23 road 1:20 roberto 21:12,13 22:4,11,15 41:10 55:10 58:9 62:15 80:16,17 86:7 rockaway 1:20 role 41:13 roof 18:10 room 25:12 73:24 rotate 45:10 round 45:13,17,18 45:19 rounds 12:17 18:3 45:4,7,7,10,22 routine 45:6 rudimentary 30:15 rules 1:19 ruling 61:25 rulings 104:22 run 94:20 running 19:14,17 runs 18:16	saw 42:16 saying 16:11 49:17 75:14 91:23 says 38:2,3 80:2 88:5 94:17 scanned 84:10 89:19 scanners 18:11 scanning 31:7 scans 74:6 scene 40:2 71:6,8 95:16 school 10:7,9,18 scope 12:4 47:3,4 47:5,5 55:13 79:19 89:21 100:14 screening 19:25 sealing 3:7 searching 65:12 second 35:17 95:17 99:5 secret 61:22 section 45:18 56:9 77:3 81:10 84:11 88:25 secured 12:21 71:15 72:6 security 10:22,23 11:2,9,11,14 12:17 18:6,8,10 19:19,24 20:2 27:15,17,23 30:9 36:3 72:2 84:22 see 16:11 24:4,22 24:23,24 34:18 43:14 50:17 53:14 56:7 63:24 64:13 64:19 65:9 68:21 71:22 74:19 81:9 83:2,13 88:10	89:24 92:5 96:7 97:8 seeing 56:23 64:25 65:16 seeking 4:21 seen 67:10 segregated 86:13 self 54:24 selling 13:20 send 78:3 sending 90:3 sends 76:18 senior 17:3,3,4,4 17:24 18:24 19:4 19:5 20:18 21:21 21:22 96:5 sent 48:10 77:23 89:6 96:8 sentence 27:21 sentenced 27:22 28:5 sentry 82:14,15 84:14,23 85:25 94:17 separate 26:10,10 41:7 separated 36:5 85:4 86:21 87:2 88:4,17 separation 41:3 85:3 86:17 87:12 87:19 88:6 separations 87:14 served 62:4 service 3:16 set 27:13 89:11,15 105:11,20 seven 37:12 48:7 seventeen 81:4 sewell 90:4	shakedowns 47:22 48:2 share 28:16 sharing 28:24 sheet 106:1 shift 17:25 23:16 23:22,23 24:2 52:4,5 55:4 59:7,8 72:16 shifts 23:15 24:16 shock 43:24 44:2,4 short 82:4 show 82:23 showed 39:15 shower 25:13 43:2 69:19 70:20 showers 25:12 showing 48:7 shows 83:3 84:9 shut 36:17 sia 76:15 80:12 sick 37:21 side 15:5,6,22,22 33:24,25 34:2,6,12 sides 26:14,15 sign 20:7 60:13 signature 105:23 signed 3:10,12,15 signing 20:4 60:18 60:20 signs 48:7 67:5 single 45:4 sir 8:2,14 9:13 28:7,25 sis 40:6 59:11,18 73:15,25 76:16 90:5 96:13 sit 33:14 34:20 52:25 sitting 34:22
s			
s 2:2 3:2,2 104:2 106:5 safe 12:22 safety 13:15 42:10 sally 43:18 57:13 satisfactory 4:20 5:6 saving 49:20 67:22 71:13 74:23			

[situation - sworn]

Page 16

situation 50:15 53:20 situations 68:2 six 17:24 21:25 25:17 27:11 35:9 35:10 skills 12:25 20:20 21:3 41:5 skin 65:6,10 slapping 69:18 slowed 47:23,25 slur 48:8 slurred 48:8 small 79:24 smell 91:9 92:2,3 92:11 smelled 31:9 91:4 92:6 smells 91:25 92:7 92:11,16 smoke 30:5 91:9 91:13,14,15,15 92:2,4,14 smoker 91:12,23 92:4,19 smoking 32:3,5 69:15 91:5,17,17 92:16,18,20,21 smuggled 31:2 soaking 42:17,21 socialize 99:2 somebody 87:15 87:16 soon 14:24 sooner 97:11 sorry 11:4,5 27:7 61:19 75:13 81:3 89:3 93:11 sort 32:3 58:21 67:6	sounded 23:4 sounds 81:24 82:2 south 23:2,11 25:2 25:15 31:17,22,25 32:14 33:24 34:2 38:3 53:8 southern 1:2 2:9 special 76:15 specialist 17:4,5 specific 10:16 11:12 36:24 90:12 90:16 94:19 specifically 31:22 65:18 83:5 88:7 specified 103:11 speech 48:9 spg 88:20 sporadic 45:6 sprayed 29:23,25 92:13 sprinkler 13:17 ss 105:4 stacked 26:8,9,20 staff 19:7 21:4,4 22:22,22 30:13 35:21 38:11 39:5 41:24 42:2,2,13,14 43:20 47:15,21 49:2,4,21,25 50:14 50:17,24 54:22 56:3,24 57:14 59:23,24,24 63:14 67:11,20,22 71:11 71:17,19,25 72:5,9 94:20 stairs 26:11 57:3,6 57:25 58:5 stairways 26:3 stamped 8:5 81:9 stand 48:9 51:22	standard 58:14 60:24 start 8:8 15:22 16:4,7,25 55:17 started 13:12 14:18 22:8 30:21 37:19 38:3 47:2 52:13 68:19 95:18 starting 15:20 state 1:22 4:4,8 86:19 105:4,8 stated 4:23 95:8 97:17 statement 60:12 63:17 98:5 statements 59:22 59:23 71:5 95:2,3 95:4 97:22 states 1:2,8,16 2:8 2:10 4:18 54:2 85:14,22 97:20 101:7 106:2 stating 48:23 station 32:20 33:9 33:17 34:14,21 stations 34:4 stay 37:6 steps 26:4,5 stipulate 5:10 stipulated 3:5,20 stop 68:20 stopolopoulos 95:22 stopped 13:8 store 11:11 story 87:24 street 2:5,10 4:12 71:19 stretcher 57:9,14 57:16,17,20,21,22	stretchers 57:10 58:2 strike 54:25 structured 70:24 stuff 9:22 24:20 29:21,22,23,24 42:22,25 62:22 65:18 89:25 91:24 93:5,6 94:18 97:9 style 25:6 subject 78:18 submitted 7:20,23 subpoena 62:5 subscribed 103:18 106:22 subsequent 78:14 substance 70:11 succeed 44:18 suffered 63:21 66:17 68:24 suicide 54:24 66:22 supposed 45:2 suppressant 13:17 13:24 sure 6:21 18:9 50:25 52:6 78:21 surrounded 71:25 surrounding 71:17 surveillance 32:13 32:18,25 38:6 suspected 101:11 suspicion 31:11 suspicious 31:10 sweating 69:24 switch 52:2 sworn 3:10 4:3 103:5,18 105:11 106:22
---	---	--	--

[synch - transcript]

Page 17

synch 30:18 synthetic 29:24 30:4 31:2 synthetics 30:22 system 74:8 75:3 systems 13:16,17 13:18,21,24 40:20 40:21 41:5 50:21 50:22	telling 56:15 70:19 71:11 ten 17:25 tend 71:21 terms 101:4,8 test 30:7 31:7,8 40:13 50:21,21,22 50:23 tested 31:11 testified 4:5 87:15 testify 61:16 103:5 104:24 testimony 61:21 103:6,10 105:13 testing 30:15,25 50:20 thank 77:19 91:20 101:18 102:3 thankfully 13:6 theoretically 28:21 theories 101:10 thing 11:20 63:12 74:24 91:11,18 97:7 things 14:9 30:19 30:25 52:9 65:4 87:22 96:24 think 23:6 46:20 46:25 47:17 48:12 49:11 57:6 61:25 74:25 75:16 90:23 96:20 99:21,23 100:3,8 third 20:8 42:4 89:8 thirty 3:16 45:11 45:12 thousand 30:21 three 14:23 15:13 26:3,9,10 44:16	52:5 54:9 64:9 threw 69:19 thump 49:2 tier 25:14,19,20 26:5,6,18,19,19,21 26:24 34:15,22 35:6,11,12 36:2,5 37:20,22 38:2,2,3 38:7,11,14,16 42:7 42:10 45:9,24,25 46:2,2 51:10 53:2 57:4 72:3 tiers 25:9,15,18,23 26:3 32:23,25 34:16,18,20 35:2,9 36:21 45:8 52:25 time 1:12 3:22 6:18,25 8:16 10:18 12:23 14:2 14:16,17 16:5 18:21 20:17,19,24 23:15 24:11,15 35:14,23 36:8,21 36:24 37:4 38:17 38:25 43:22 44:2 45:4,4,8 46:14,16 46:20 50:6 51:2 51:13,19 52:10,11 52:12,13 53:21 55:14,20 59:4,25 60:3 64:4 72:11 73:21 74:10 80:12 85:6 90:5 91:8 93:16,25 96:11 97:21 98:5,13,24 99:5,13 100:4 103:10 timeframe 16:3 times 20:23 21:5,9 24:9,17 31:23 52:5 67:2 91:13	92:10,13 99:6 title 21:20 tobacco 91:15 today 7:15 8:8 97:15,16 100:3 101:19 toe 69:25 tokening 69:14,15 told 37:25 97:4 98:20 top 21:7,8 22:13 23:6 25:16 26:6 26:23 39:4 44:15 49:8 50:9 56:22 57:8,22 58:18 60:8,15 64:24 79:24 87:7 97:24 topping 48:6 torso 64:10 total 26:25 touch 101:16 touched 31:13 touching 73:18 toxicology 70:3,8 track 84:16 tracks 84:17 train 50:14 trained 49:25 67:12 training 9:8 11:18 11:23 12:3 14:8 14:11,21,25 15:5 40:6,9,11 41:6,7 50:18,19 63:19,22 67:4 transaction 82:15 83:15 transactions 31:17 84:15,23 85:5 transcript 101:22 103:9,9
t 3:2,2 4:2 47:5 103:2 104:2 105:2 105:2 table 53:2 tables 33:12 tabs 74:8 tailored 41:5 take 6:16 44:17 55:20 74:9 81:19 81:21 taken 1:17 29:17 75:5 82:5 takes 79:5 talk 13:25 17:17 21:15 44:22 82:8 94:25 101:15 talked 33:16 95:14 97:4 talking 60:23 69:3 71:7 72:8 80:18 90:9 tasking 58:6 taste 16:12 92:3 team 28:20 53:14 53:16 87:20 techniques 9:3 15:18 telephones 33:8 telephonic 1:15 tell 19:2 43:24,25 68:10 91:16 95:8			

[transfer - wise]

Page 18

transfer 16:17 transferred 48:18 60:2 trauma 44:5 63:20 64:15,21 68:16 treating 67:18 trejava 91:3 trial 3:22 27:20 tried 52:16 66:23 70:19 94:6 trouble 52:15,19 53:7,8,11,12 92:19 94:13 tru 47:3,4,5 100:13 true 103:9 105:12 truth 103:5 try 46:11 53:18 trying 42:25 49:17 57:6 69:18,23 tv 33:14 52:25 tv s 40:18 52:24 twenty 26:24 27:3 27:4 37:12 53:3 two 9:10 14:13 15:20 17:25,25 25:23 27:12 30:20 35:15 42:2 69:21 69:21 78:3,23 98:16 type 11:9,11,23 32:12 40:9 53:10 90:7 types 13:21 30:7 tyrone 86:20	understand 16:13 69:7 unit 24:24 25:2,4 26:2,16,17,18 28:20 29:4 32:17 33:20,22 34:6,7,8 36:4,10 37:11,18 37:20 38:4 42:3 43:17,19 44:23,24 44:24 45:25 46:9 48:19 51:9,23 52:8,17 53:14,15 53:17,17 57:11 72:8 87:20 90:6 93:8 94:9 united 1:2,8,16 2:8 2:10 4:18 53:25 85:14,22 97:20 101:7 106:2 units 25:5,8 29:15 32:17 33:8 36:11 53:4 unlawful 32:6 unseal 99:24 100:20 unsigned 3:14 uploaded 75:5 uploads 74:7 upper 25:25 64:10 uptick 93:16 use 53:24 92:23 94:3 usual 57:24 usually 24:11 36:14 41:16 52:20 53:7 87:15 88:12 93:21 utilize 12:2	v v 106:2 vaguely 22:5 valuables 12:21 vantage 34:22 variations 92:10 various 10:22 veracity 71:5 verbal 6:22 60:22 verification 75:3 verifying 20:4 veritext 106:1 vertically 25:19 veteran's 16:20 vetting 30:10 video 4:16 5:4 6:19 32:12,24 view 34:15 viewed 64:4 violated 77:7 violent 93:16	wanted 37:7 95:11 wants 76:20 warden 19:6,8,15 20:10,11,13,16 72:11 73:6 76:17 76:18,19,22 80:12 84:2 washing 34:4 watch 33:14 35:16 52:25 way 25:2 34:25 70:24 71:4 90:9 90:20 105:17 ways 29:20 we've 100:13 wear 50:10 weave 80:18 weed 15:24 week 41:6 47:24 48:6 weeks 14:23 15:13 15:20 weigh 58:3 welcome 91:21 went 8:18 12:7 15:10 26:4,5 31:12 41:24 43:12 69:17 75:2 84:20 99:15 west 2:5 wet 31:9 42:16,17 42:21 49:15 69:22 69:24,24 97:7 whatsoever 51:11 whereof 105:19 white 28:2,4 whoever's 34:14 williams 1:3 106:2 willing 5:2 wise 53:7 88:19
u u 3:2 47:5 u.s. 84:21 uh 6:23 underneath 65:5		w wad 43:8 wait 6:14 45:12 waived 3:9 walk 33:21 walked 26:17 walking 38:11 45:24 46:2 wall 33:20 walls 25:10 want 5:7 9:20 16:8 16:12 23:8 32:18 37:15 44:15,21 45:3 57:7 68:10 74:21 77:21 78:5 81:18 83:19 93:24 100:8,12,19 101:3 101:9	

[withdraw - york]

Page 19

withdraw 66:15 78:15 witness 1:17 3:10 3:16,18 4:3,21 5:11 6:12 41:16 43:3 61:20 62:8 72:18,20 85:20 95:13 100:6 102:5 105:10,13,19 witnesses' 106:3 word 7:25 work 12:4 14:18 15:20 16:7,9 17:24,25 54:25 55:13 79:20 94:17 99:3 worked 10:23,24 13:14 14:5 76:7 working 4:17 8:12 12:12 13:8,12 15:5,8,16,22 17:23 20:25 23:9,11 59:9 63:19 85:14 85:22 91:14 worried 6:19 wrist 64:6 wrong 37:18 68:6	
x	
x 1:3,9 104:2,12	
y	
y 4:2 year 14:11 86:23 years 8:13 9:10 12:16 21:25 30:20 31:24 50:11 61:15 yelling 37:19 38:4 york 1:2,20,22 2:5 2:5,9,11,11 4:4,13 10:25 11:8 105:4 105:8 106:1	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.